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PRELIMINARY EVALUATION OF THE ETOBICOKE COURT-BASED VICTIM/WITNESS PROJECT

by

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May 1988

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SUMMARY

The Etobicoke Victim/Witness Assistance Program, serving primarily domestic assault victims, is positively viewed by all those who have had occasion to use it. The only major drawback noted was that it, like other V/W Programs serving large populations, is understaffed.

While affirming that the Program was much needed and generally of great assistance, a number of observers pointed out that improvements to the overall legal and social services systems would help the functioning of the Program and benefit victims. Among the most commonly mentioned suggestions in this regard was the need for greater inter-agency coordination which would help to alleviate both duplication of effort and the risk that some clients 'fall through the cracks'.

Dependent upon increased funding, it was also thought that victims would benefit from greater outreach and follow-up services. In addition, specific improvements concerning standard court procedures for restraining orders, probation orders, peace bonds and applications to the Criminal Injuries Compensation Board would enhance the safety of victims and help to eliminate seemingly needless frustration and delays.

The Coordinator of the V/W Program is in a somewhat curious position in that her mandate is to simply provide assistance with respect to victims' participation in the criminal justice system and yet, victims' effectiveness and willingness in this regard often depends on their being able to manage many other problems which do not relate directly to the trial: problems ranging anywhere from obtaining food, housing, jobs, to divorce and custody arrangements. Frequently faced with a multiplicity of decisions and worries, and often uninformed about social services available to assist them with these concerns, victims need someone who is knowledgeable and sympathetic who can guide and refer them to the agencies that may be able to help them. At the present time, there are very few agencies capable of offering this kind of informed and consistent service and it appears that victims are likely to look to the V/W Coordinator to help them. It is possible that the Coordinator is, in fact, in the best position to offer this assistance; on the other hand, her mandate does not include such a broad service and the resources available to her make it largely impossible. What this suggests is that the role of the V/W Coordinator may be more important than was originally imagined. Or, if not, the question remains as to who or what agency is prepared to meet this demand?

The question of who or what agency is responsible for what kind of assistance permeates the entire network of services for victims. For example, it is well recognized that victims should be accompanied in court but no agency, including the V/W Program, has the time to routinely offer this help although some attempt to do so when they can.

There are many indications that the demand on the Etobicoke V/W Program will only increase in time. In fact, from one point of view, this will be an inevitable indication of its success. Ironically, there is a very real risk that this success could ultimately lead to the Program's disrepute unless it receives the funding required to maintain its services.

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Introduction

This preliminary evaluation of the Victim/Witness Program in Etobicoke is an investigation of the needs of victims as well as the activities undertaken by the Coordinator in the context of court-based assistance. The overall purpose of the evaluation was to review the operation of the Program and to assess the success of the program in meeting its goals and objectives. The specific aims of the evaluation were to:

- to describe the clients of the V/W program;
- to determine the needs of program clients and the extent to which the program can meet those needs;
- to make a preliminary assessment of the effectiveness of the program in meeting the needs of the clients and professional users such as Crown Attorneys, judges, etc.;
- to describe and assess the activities of program staff, including volunteers, in relation to program goals and objectives; and
- to assess the interaction between the program and local justice officials and related service agencies.

Towards this end, various participants within the criminal justice system and related community agencies were interviewed in order to learn their perceptions of the program. Altogether, over a dozen community agencies were contacted as well as participating Crown Attorneys, police officers, victims, the Provincial Coordinator and representatives from the funding Ministry, the Ontario Women's Directorate. The Etobicoke Coordinator was also interviewed. (See Appendix A for a list of those interviewed.)

Program Objectives

In addition to the general objective of providing more comprehensive services to victims and witnesses of crimes in order to enhance their understanding of and participation in the criminal justice process, the Victim/Witness Program is intended to:

- offer moral support to victims;
- provide courtroom orientation;
- explain legal terminology;
- accompany victims to court;
- act as a liaison on behalf of the victim with the police and Crown;
- refer victims to community agencies for counselling and other support services; and
- provide a public education and coordinating function for agencies and other governmental bodies within the community.

These objectives having been noted, it is perhaps useful to review the background of the Ontario Family Violence Initiative which prompted the introduction of court-based Victim/Witness Programs in the province in order to better understand how the Etobicoke Victim/Witness Assistance Program has developed.

In 1985, the Family Violence Initiative was introduced representing an inter-ministerial effort of 15 Ministries with leadership from the Ministry of the Attorney General, the Ontario Women's Directorate and the Ministry of Community and Social Services. The mandate of the Family Violence Initiative was to a) reduce the incidence of family violence, b) provide protection for victims of family violence, and affordable family-focused support services, and c) provide a coordinated network of comprehensive services which will effectively utilize community and government resources in dealing with family violence. In March 1986 Cabinet approved funding for over twenty program initiatives including a police Crisis Assistance Program[1], a Domestic Assault

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1. The goal of this program is to make available a volunteer crisis assistance service and a referral capability for use by police in dealing with emotionally volatile crisis situations. This will aid in channeling victims of crime to the appropriate community resources. Although many of the victims who will use this type of referral program will be battered women, it is a generic service which will be available in any situation where an attending officer believes it to be appropriate. In Toronto, the Salvation Army has implemented this program.

Prosecutors' Training Program[2], an Emergency Legal Advice for Victims Program[3], and the court-based Victim/Witness Program.

As it was conceived, the court-based Victim/Witness Program was to target "any member of the public who requests assistance". The program was intended primarily for those victims who are most traumatized and most vulnerable as a result of the crime. In effect, this means that victims of domestic assault, sexual assault and child abuse are the most likely targets of the program although this does not exclude other types of victims.

Description of the Program

(i) Physical Appointment and Facilities

The Etobicoke Victim/Witness Program is located adjacent to the Crown Attorneys' office in the large building which also houses seven courtrooms. There is no sign indicating where the Crown Attorney or Victim/Witness Co-ordinator offices are so that newcomers must enquire at the busy front desk or wander around the building until they find the office. If they do not know that such a service exists they are unlikely to learn about it, although there has

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2. The purpose of this program is to provide adequate support for the prosecution of Domestic Assault cases in each Crown Attorney's office. One of the major goals of the program is to implement a system whereby a victim of wife assault will have an interview with the Crown within three weeks of the charge being laid. To date, this training program has been in operation in four sites: Ottawa, Toronto, Sudbury and Windsor.

3. The purpose of this program is to ensure that victims of domestic assault are provided with the intricacies of dealing with this kind of an assault situation. The Ontario Legal Aid Plan has developed the concept of a Special Duty Counsel Panel to provide summary legal advice on certain issues on an emergency basis...Victims of domestic assault, especially if they are considering seeking shelter for themselves and their children, require summary legal advice on an urgent basis in order to make informed decisions about criminal court proceedings and matters related to custody of and support for the children. Because they often have no financial resources at this time, a mechanism is needed to provide immediate access to a lawyer who has expertise on legal issues related to wife assault. It is proposed to allow shelters and related agencies serving battered women to make a direct referral to a Special Duty Counsel lawyer who can see the client on an emergency basis to inform her about the legal issues related to her situation and to advise if there are steps which should be taken to ensure that both the legal rights and her physical safety are protected.

been a letter posted outside the courtrooms from time to time which explains the existence of the Victim/Witness Program. (This letter was also sent to the police, community agencies and Senior Judge; see Appendix B for a copy of the letter.)[4]

Advertisement of the Program was also undertaken this year by establishing an information booth outside the courtrooms. It was only possible to man this booth through the aid of two highschool students who were assigned to the Coordinator as part of their school curriculum. The booth supplied information concerning court dockets informing witnesses when and which court they were to go to, as well as pamphlets of interest to witnesses and victims. These pamphlets are also available from the Coordinator's office and include:

"Being a Witness" (Ministry of the Attorney General)

"The Assaulted Women's Helpline"

"Wife Assault: It is a Crime" (Ontario Women's Directorate)

"Let's Break the Silence" (Ontario Women's Directorate)

"Rape" (Toronto Rape Crisis Centre)

"Marriage as an Equal Partnership" (describes the Family Law Act, Ministry of the Attorney General)

"They Need Your Support - Support and Custody Enforcement Program" (Ministry of the Attorney General)[5]

The Victim/Witness Coordinator's office provides a small waiting room for victims and witnesses—the only place where they may wait apart from the corridors which inevitably entails keeping company with the accused, the defence lawyer and others awaiting trial. There are magazines for those who are waiting as well as colouring books and toys for children. The Coordinator also keeps a supply of pop and juice for children who must sometimes wait many hours during

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4. Lest this lack of a sign advertising the program be seen negatively, it is important to remember—as will be further elaborated in the following text —that there is a valid strategy in this situation. The fact is that with only one coordinator and one half-time secretary, the capacity of the program for handling very many clients is limited. In a sense, there is little point in raising expectations that all who enquire about the program will be adequately assisted when at the present time the coordinator is already over-extended.

5. For copies of some of these pamphlets see Appendix C.

trial. Otherwise, snacks are available from a catering truck customarily located outside the building.

The Coordinator's office is small but manages to contain a coffee table with chairs suitable for more informal discussions. There is no window in the office looking into the waiting room which means that every afternoon when the part-time secretary is not in the office, the Coordinator must constantly leave her desk to check on those who come into the waiting room. Because the waiting room is small, it can occasionally become overcrowded. In addition, since it is not always advisable to have victims overhearing each others' conversations--especially if they may be negatively affected by others' discussions--the Coordinator is sometimes forced to invite some of those waiting into her own office thereby taking time away from her other duties.

The lack of a full-time secretary creates further inconvenience since the Coordinator must rely on an answering machine to receive incoming calls when she is otherwise occupied. This is often inadequate to the emergency entailed by some of these calls and, as the Coordinator pointed out, the machine is incapable of informing the caller whether she will be contacted in five minutes or two days.

(ii) Activities

The Etobicoke Program is staffed by one full-time Coordinator and one half-time secretary. At the present time there are no volunteers associated with the Program simply because the Coordinator has not had the time to set-up a volunteer network. Recruiting and training volunteers is one of the Coordinator's chief priorities in the near future.

Because the Program is just over a year old a large part of the Coordinator's initial and on-going activities entailed setting up the office itself: acquiring furniture, establishing a filing system and so on. She also hired a secretary and made contact with the police by visiting each division to introduce herself and the Program.

As might be expected from the goals of the Program, the Coordinator's activities include a variety of duties, viz.: contacting all domestic assault

cases by registered mail; setting up initial appointments with victim/ witnesses; meeting with victim/witnesses to give them a tour of the court and explain the procedures; receiving calls from victim/witnesses and answering their questions; providing emotional support; consulting with Crown Attorneys to inform them of important details concerning cases; setting up appointments between Crown Attorneys and victim/witnesses; liaising with police[6]; making contact with community service agencies on behalf of clients; receiving referrals from community agencies and police; informing victim/witnesses of their trial dates; attending court with the victims; making enquiries to the police, probation officers, Crown Attorneys, and related agencies on behalf of victims about what has happened and what will happen and why; informing victims about the Criminal Injury Compensation Board; distributing and explaining Victim Impact Statements; meeting with community agencies such as Children's Aid and other service organizations; attending conferences concerning victim issues; participating in community agencies' workshops and so on (e.g. Sexual Abuse and Assault Impact Network (SAAIN) and the Etobicoke Chapter of the Metropolitan Toronto Special Committee on Child Abuse); keeping up to date on the legal, social and psychological issues associated with domestic assault, sexual assault and child abuse; administering the office and keeping records; and supervising co-op students[7].

These responsibilities are spread over a caseload of 100 to 110 active cases per month[8]. The initial interview with the victim/witness, occurring shortly after the trial date is set, usually last about 45 minutes although some may require up to twice that amount of time. During the initial interview the Coordinator familiarizes the client with all aspects of court procedures. If the client wants, she takes her into the courtroom and shows her where she will sit and explains what the Crown and Defence Counsel do. Everything about the proceedings are discussed: whether it is a preliminary hearing, a trial, a guilty plea, the Coordinator discusses what the possible next steps are as well as possible outcomes. Particularly with domestic cases, the Coordinator explains

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6. In Etobicoke, the V/W Coordinator works with five police divisions. It has taken time to establish contacts with the police because officers are frequently moved from one division to another.

7. Due to the ongoing and interwoven nature of these activities, it was impossible for the Coordinator to specify the proportion of time she spends on each one.

8. The size of this caseload makes the Etobicoke project one of the busiest of all the sites according to the figures available from July to September 1987.

what may happen to the accused (the husband or common-law partner). She also shows the victim/witness where she may get a cup of coffee and where the washrooms are. During this meeting the Coordinator also asks if the victim is seeing anyone for counselling and suggests agencies if appropriate.

The amount of time required for each client after the first meeting varies depending on the person's needs. It is important to recognize that frequently the Coordinator is the first 'official' person with whom the victim has been in touch and therefore some cases require a great deal of emotional support and attention due to the multiplicity of needs they present, ranging anywhere from housing to legal assistance. While the Coordinator is not responsible for dealing with all these needs directly, she may have to spend considerable time making the needed referrals for the victim. Especially in cases where English is not the victim's first language, more time is required to understand and communicate with the victim and direct her to the appropriate agencies. In about 50 per cent of the cases, the Coordinator has further involvement with the victims: e.g. the husbands are bothering them again, they have decided they would like counselling but have forgotten the agencies to call, and so on. In those cases in which children are involved, the amount of time spent may be considerably more.

In addition to the initial interview, the Coordinator frequently accompanies the victim during her interview with the Crown Counsel in order to reassure the victim and ensure that vital information is passed along. The Coordinator will, in most cases, have already talked with the Crown Attorney to brief him or her on the essential details of the case, thereby saving time for the Crown during his or her interview with the victim/witness.

It is not uncommon in domestic cases, as time passes, for the women to have second thoughts about proceeding with the charges. Frequently the husband has been on his best behaviour and they are thinking of reconciliation or have already done so. Often in these cases the police and Crown are eager to have the Coordinator talk to the victim in order to discourage her from turning into a reluctant and ineffective witness[9]. In many cases the Coordinator may spend as

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9. In keeping with Ministry policy, the Coordinator customarily explains to the victim the importance of pursuing charges. She points out the cycle of violence that is usually characteristic of domestic assault and how, in addition, it is important that the public at large is made aware that wife battering is a criminal offence. In many cases the woman will tell the Coordinator how nice her husband is now being and that they feel things will be alright from now on. In response to this, the Coordinator

much as 10 to 12 hours with each client spread over a period of about seven or eight months.

The Coordinator normally attempts to be available to the victim after the trial to explain what has happened and answer question about what will happen next. For example, the victim wants to know what a conditional discharge means or what the conditions of probation entail. A small percentage of domestic cases run into further difficulty with their husbands and it is frequently the Coordinator they call for support and advice.

Overall, the Coordinator's major activities may be summarized as follows:

- initial contact and face-to-face interview to explain court procedures
- emotional support
- ongoing assistance
- referrals to and from community agencies
- liaising with the police
- consulting with Crown Counsel
- accompanying the victim/witness to court
- follow-up: answering questions, explaining outcome, emotional support
- public relations and education
- administration

(iii) Cases

In light of the foregoing review concerning the manner in which this program was conceived, it should not be surprising that the majority of people serviced by the Program (at least in Etobicoke) are battered wives. It is

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sometimes asks why, if the husband is now claiming things will be better, he is putting her through the anxiety and trouble of having to testify in court—if he really wanted to make amends why doesn't he plead guilty and spare his wife this trouble? The woman often claims she had not looked at it this way and occasionally the result is that the husband does plead guilty thereby avoiding a prolonged trial. It is also not uncommon for women to acknowledge that wife assault is a social problem but their case is different; however, most women proceed with charges. These cases often require a great deal of time.

estimated that about 80 to 85 per cent of the Coordinator's caseload are victims of domestic assault. The remaining types of clients are largely sexual assault and child abuse victims although other victims are also assisted by the Co-ordinator.

All domestic assault cases are contacted by registered mail to inform them about the Victim/Witness Program (see Appendix B for a copy of this letter). Recently, selected sexual assault and child abuse cases (i.e. those tagged by either the Crown Attorneys or by the Coordinator's secretary where attention appears to be warranted) have also been sent this letter[10]. Victims are also brought to the Coordinator's attention through referral from police and community service agencies as well as through last minute referrals by the Crown Attorneys when witnesses have failed to make contact previously and who indicate a need for assistance.

It is estimated that about 25 per cent of the cases assisted by the Etobicoke Program are not English-speaking; in these cases the most common languages spoken are Spanish, Italian and sometimes Vietnamese. Commonly, court interpreters are on duty during court hours awaiting trial and the Coordinator can take advantage of their services during this time (they are already being paid for their time). Otherwise, she may arrange for an interpreter through the Ministry's court services. None of the information pamphlets are available in any languages other than English and sometimes French; in this jurisdiction, the Coordinator has had no call for French[11].

In order to get a sense of the types of people presently being assisted by the Etobicoke Program, 50 cases, randomly pulled, from the Coordinator's ongoing

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10. Due to the trust and cooperation that exists between the Coordinator and the Crown Attorneys, the Coordinator has access to all Crown briefs. It is sometimes difficult to ascertain the address of victims of child abuse due to a change of address for their protection; this is also true of domestic assault cases although this information is sometimes available from the police files. Frequently, however, it is the police who check with the Coordinator to find new addresses for witnesses as the Co-ordinator may have been in more recent contact with the witness and thereby learned of a new address.

11. Among the programs introduced by the Family Violence Initiative was a program to distribute information kits, protocols and related resource material on family violence for professionals and the general public. Apparently, the Ministry of Community and Social Services has funded the translation, printing and distribution of a pamphlet on wife assault in Italian, Portuguese, Spanish, Greek, Punjabi, Chinese and Vietnamese. These pamphlets do not seem to have made their way to the Etobicoke courts. In addition, the Initiative, recognizing that wife assault crosses all racial, ethnic and socio-economic boundaries and yet people from ethnic minority communities often do no use available social services, medical facilities, courts, etc. because of language and cultural barriers, was to develop and implement community-based interpreter services in approximately 14 Ontario communities —including Metro Toronto—to increase use of services and institutions that deal with wife assault victims and abusers (e.g. the courts, hospitals, social and counselling services, police). This cultural interpretation program was to be funded and implemented by the Ministry of Citizenship and Culture.

file were examined: 44 female and 6 male. With respect to age of the clients, there were 21 "unknowns" for the total sample; the modal age range for the female clients was 31 to 40 years old (nine women), with the next two most common ages being 11 to 20 years (five women), and 41 to 50 years (also five women). Among the men, the modal age range was 31 to 40 years (three men).

The most common type of offence involved was, of course, assault (40 out of the 50 cases): 28 simple assaults; 12 assaults involving a weapon or causing bodily harm; and 4 sexual assaults. The remaining offences included threatening, break and enter, failing to comply, or taking an auto without consent.

Among the assaults, most were domestic assaults involving the wife or common-law wife of the defendant. In a few cases (three) the complainant was either the sister or mother of the defendant, and one was the tenant. With respect to the sexual assault cases, three were either strangers or casual acquaintances, and one complainant was the granddaughter of the accused.

In about half of the cases (24 cases), the complainant had no children. About half of the victims were employed (23 cases); 6 were unemployed; 3 were students; and there were 18 "unknowns". Income was rarely known in the files.

Victims' Needs and the System

(i) Victims' Perspective

Both the literature on victimology and professionals working within the field recognize the typical responses and needs of those who have been victimized by crime. In severe cases, the reactions of victims have even been diagnostically labelled ("Post-traumatic Stress Disorder") and entered into the Third Edition of the American Diagnostic and Statistical Manual of Mental Disorders. Sub-types of reactions have also been recognized by the courts (occasionally) and the medical profession giving rise to the naming of responses such as "Rape Trauma Syndrome", "Battered Wives Syndrome" and in cases of child sexual abuse, the "Accommodation Syndrome" (Burgess 1983; Ontario Medical Association 1987; Summit 1983).

A major reaction to these types of serious crimes is fear, accompanied by sleep, eating and cognitive disturbances in the victims. Clearly, one of the most pressing needs of victims of violent or serious crimes is for support and, if appropriate, counselling. In addition, for those who have been the victims of domestic assault and child abuse (and to some extent sexual assault), the decision to pursue criminal charges often signifies a dramatic change in their lives, involving a major disruption of previous ties and attachments, and thus carries with it all the fears and anxiety that are frequently associated with major change. In this regard as well, these victims need support. Chief among their concerns is the need to know that they can look forward to a life that promises some degree of security and hope for the future for themselves and their children.

Under these circumstances, the needs of these victims may be global: they frequently require assistance with employment, money, housing, child-care, health, legal rights, and support around issues of dislocation and isolation. For those from cultural backgrounds that are less sympathetic to the plight of sexually abused or battered women and children, they risk being stigmatised by their friends and relatives and frequently suffer from guilt and shame.

Confusion and lack of knowledge about the criminal justice system also affects victim/witnesses responses. For example, some domestic assault victims may be at the point where they are considering divorce; alternatively, many battered wives do not necessarily want to divorce their husbands but wish the assaults would stop--they wish their husbands would get some kind of counselling or alcohol treatment or be sufficiently frightened by the spectre of imprisonment to stop[12]. For these women, they would like certain things to happen and they have fears and expectations about the criminal justice system with respect to their wishes[13]. In many cases they do not understand why the police do not arrest their husbands or at least insist that he leave the home instead of

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12. From police reports and a few studies, there is some evidence that their expectations in this regard are realistic, justifying the Ministry's policy with respect to treating wife battering as a criminal offence, not a domestic dispute. That is, irrespective of whether the accused is found guilty or not guilty, the fact that he had been brought to trial appears to have a postive effect on reducing domestic assaults.

13. Confusion about what the criminal justice system can do is also a problem. Some women, for example, expect to solve all their problems within the criminal trial: divorce, arrangements for custody and support, etc. They do not know they must proceed to Family Court for these settlements.

taking them (the wives) away to a shelter[14]. Or, depending on their expectations, they do not understand why their husbands are now in jail and facing criminal charges when all they wanted was for the police to stop the assault. Children of sexual abuse are also sometimes frightened and worried about what the courts will do to their abusers, especially in cases of incest. Similarly, rape victims are ambivalent about how to proceed--not out of concern for the accused but on their own account in view of the anticipated degradation they may receive at the hands of the police and courts[15]. And fear of reprisal is common to all victims.

What this means is that the victim's participation in the criminal justice system is shaped by a myriad of wishes, expectations and needs. Given the mandate of the Etobicoke Program to be a court-based Victim/ Witness Assistance Program, it is not the responsibility of the Coordinator to provide all the support nor meet all the needs presented by victims. Nevertheless, it is important not to lose sight of the fact that these needs will to a greater or lesser extent impinge upon victims' participation in the criminal justice process. From an analytical and managerial point of view, it is tempting to list and classify needs, break them up into discrete items, and assign responsibility to disparate organizations. This, however, is not how the victim experiences her situation. Her needs are frequently global and she experiences them as such.

It is not difficult to imagine how many victims must feel: juggling many concerns about issues that, in many cases, represent significant changes in their lives, and frequently unknowledgeable about the consequences of their decisions and unaware of the services that are available, it must only add to their confusion and anxiety to be told that now, because an offence has occurred, they should proceed with charges and also make all the necessary accommodations and changes associated with this decision; and then to be told if they want to do such and such (e.g. find a new place to live) they should see so

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14. It is reported that some immigrant women, unfamiliar with such things as shelters and so on, believe that the police are taking them to jail when they are taken to a shelter for battered wives.

15. The extent of victims' confusion and worry over their choice of action is perhaps revealed in the not uncommon finding that when the accused is found not guilty, they believe therefore that they themselves are seen to be guilty. This frequently happens in the case of sexual assault and in child abuse cases when the child responds by thinking that he/she was not believed, they are perceived to be liars. In effect, the victim ends up believing he/she is the offender. Added to this is the victims' perception that the accused has a lawyer but they do not have anyone defending them; they do not understand the State is representing them.

and so[16], and if they want compensation, they have to write to the Criminal Injuries Compensation Board to ask for an application, and if they want to divorce, they should go to this legal service organization, and if they want counselling, they should go to another place, and if they need employment or job training, they should see yet another agency. It would be natural under these circumstances, for the victim to look for one person or agency who would represent some kind of consistent guidance and support through all the choices and changes that are confronting her. It would also be understandable, if the Victim/Witness Coordinator is the first person they meet who has official connections with the system, for victims to expect a great deal from the Coordinator[17].

The point here is that the serious nature of violent crime and criminal proceedings frequently brings many aspects of the victim's life to a head. Such an event may be the first and only means whereby the victim is forced to make major changes and introduced to the multitude of community services which may, more or less, assist her with these changes. In this situation, the Victim/ Witness Coordinator, being perhaps the first (and, again, perhaps the only) person with an official connection with the system (both legal and social services), is in a pivotal and critical position with respect to assisting the victim find and contact the agencies she may need. Frequently, victims are not sufficiently knowledgeable nor motivated to initiate investigation of their options themselves[18]. Because of the mandatory requirements of court, this may be the only possibility that they will have to learn about what their choices and options are and where they may receive assistance.

This is not to say that the Coordinator should more actively take over responsibility for ensuring that the victim receives all the assistance she needs and that is available. What it does seem to indicate, however, is that a) the victim may be very likely to look to the Coordinator for help in this regard, and b) at the present time, the Coordinator is perhaps the only person

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16. According to 1987 figures, about 10 per cent (310 cases) of the successful applicants to the Metropolitan Toronto Housing Authority were assaulted women.

17. Many community agency workers described to me how, despite the fact their agency specializes in a certain type of service, it is quite common for women to come back to them for help with all sorts of needs, even including food. What seems to happen frequently is that once the person has made contact with an agency and finds someone s/he can trust, it is natural to return to that person for further support and assistance.

18. This is a common finding among victim studies; see for example, Canada, Department of Justice 1983, "Working Paper No. 7".

who is in a position to provide this support, be it only of a referral nature[19]. What this suggests is that while the court-based Victim/Witness Assistance Program was conceived to be simply assistance with respect to court proceedings, it may, by the very nature of the system and the position in which the victim finds herself, be of a more importance than originally imagined.

Interviews with workers within community service agencies during the course of this evaluation reinforced this impression. First, there is the observation that, for example, not all battered wives enter shelters (thereby receiving the services available to them from shelters); not all rape victims seek out the services of the Toronto Rape Crisis Centre; not all children receive the assistance of the Children's Aid Society (especially those aged 16 to 18 years because the Children's Aid Societies are not responsible for those over 16 years[20]); not all victims can afford to see a lawyer; not all victims are seen by the police Crisis Victim/Witness Assistance Program workers because this depends upon the discretion of the police; and so on. But all victims must attend court if criminal charges are being proceeded with. Secondly, while service agency workers are often aware of the multiplicity of needs victims present (if not in precise detail in each case, at least in theory), they do not have the mandate, time, resources, or personnel to offer any assistance beyond the specialty of their organization. It is a piecemeal effort, albeit well-intentioned and industriously pursued. There is no one consistent agency or person who is fully knowledgeable about the woman's circumstances or aware of the assistance which is available who can guide the victim through our labyrinthine social services system. The obvious question is that if the court Victim/Witness Coordinator cannot be expected to fulfill this function, then who? In the majority of cases the victim herself does not even know what questions to ask to begin to understand the system.

Fortunately, the Etobicoke Coordinator has established a variety of personal contacts with community service agencies to assist the victims she sees. And in turn, many community agency workers expressed relief that there now

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19. Many victims, especially those who do not speak English very well, require assistance in setting up meetings with community agencies—it is not enough to simply give them a list of agencies they may contact. Moreover, most agencies now have waiting lists which easily defeat the attempts of these women to receive help from them. The Coordinator can be essential in these cases to communicate the seriousness of their need (if appropriate) and circumvent routine obstacles.

20. With respect to this point, see the report by the Canadian Foundation for Children and the Law (1983).

is a person who is in the court system to whom they can refer their clients and from whom they can find out what is happening. (The victim is not always a reliable source of information in this regard because she herself may not understand what is happening.) Workers in legal clinics, who often see clients because of a major crisis in their lives, expressed misgivings about how, in the past, they would direct these people into the criminal justice system without any certainty about how they would be received and how they would succeed. Crown Counsel are, for unavoidable reasons, notoriously difficult to get ahold of and even if contacted, not always knowledgeable about the victim's situation.

So far I have discussed the global nature of victims' needs brought on by the crisis created by the offence and its consequences. I have suggested that there is an overwhelming need for one consistent agency or person to assist the victim navigate the choices she has at this point. I have also suggested that the court-based Victim/Witness Assistance Program Coordinator may be more important and critical to the provision of services to the victim (as expressed in the mandate of the Family Violence Initiative, mentioned above) than was originally realized. This appears to be the case largely due to the mandatory nature of court as well as due to the default of any other agency to fulfill this function[21].

While the foregoing describes perhaps how the present program has evolved, it is important to note that some have observed that it should be quite different. According to some of those interviewed, the Toronto V/W Programs are too broad: responsibility for different aspects of victim assistance should be clearly delineated and expertise concentrated in specialized agencies. It was the opinion of one worker that "[i]n their anxiety that the Program wouldn't take off, too much was promised by the developers of the Program, and it is impossible to do all of it. This is counter-productive because nothing gets done really well and it tarnishes the image of the Program in general."

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21. To be sure, the picture I have painted here is not the complete picture: there are many cases which are picked up by the community agencies and consistently followed through. The point here is that many women do not receive this kind of consistent and knowledgeable attention and it may be that a large proportion of these women would benefit from guidance from a person who has an overview of their situation and suitable contacts with the appropriate agencies. Diverse community agencies would also benefit from being able to contact such a person in order to synchronize their activities. Increasingly, it appears that community agencies are recognizing the need for this kind of approach as evidenced by the discussions at a recent Workshop on Family Violence in Toronto as well as discussions and projects occurring within management meetings of agencies specializing in this area.

With respect to the more specific needs of victims in regard to their participation in the criminal justice system, one finds that the same needs are repeatedly recognized by workers in the field: the need for emotional support and particularly someone who can accompany the victim to court and stay with her; the need for transportation and babysitting services; the need for information and explanations about what occurs in court and about dispositions; and the need to discuss their case with a knowledgeable and sensitive listener who has the time to hear their concerns and communicate these concerns, where relevant, to the Crown Attorney.

Comments by victims who have received assistance from the Etobicoke Coordinator were unanimously positive. Knowing very little about how the criminal justice system works and being frightened about what was going to happen, they relied upon the Coordinator to explain to them the procedures and what they might expect to happen. In addition, the most frequently mentioned type of assistance was emotional support, perhaps best summed up by the comment, heard several times, "I could not have done it without her." The only negative comments heard referred to how busy the Coordinator is (it is difficult to get in touch with her) and how a Program such as this should be well-advertised in every jurisdiction.

(ii) The Crown Attorneys

It has been observed that the success of the V/W Program depends upon its acceptance by the Crown--that they must be shown that it is of some benefit to them. In this jurisdiction, the Crown Attorneys had no doubts about the tangible benefits they derive from the Program[22]. They see its benefits to derive from both the fact that they are fortunate to have a good working relationship with the present Coordinator, and also because this Program is a court-based program which saves them a great deal of time and assists them in their case prepara-

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22. Four Crown Attorneys were available for discussion about the V/W Program: the Deputy Director of the Etobicoke Office who was involved in the development and implementation of the Program, and three other Crown Attorneys who had worked in this location from half a year to two years.

tions. It is worth noting in this regard that, when asked if they would accept a non-government run Program, the Crown Attorneys expressed some hesitation about whether it would be workable. For the Program to run effectively, there needs to be a high level of trust between the Crown and the Coordinator (permitting her access to their files, for example). Under the present arrangement, the Crown Attorneys see that the Coordinator is a part of the criminal justice system and works with them. They wondered whether a privately run Program would ensure the same degree of trust and cooperation.

When asked what they thought the objectives of the V/W Program were, they responded that the major aim was to provide a liaison between the victim/witnesses and the Crown Attorneys, noting that it is required that Crown Attorneys meet with the complainants. The Deputy Director explained that the initial intention (of the Program) was to have this liaison function performed by someone who had the time, unlike themselves, to meet the victim/witnesses and arrange appointments with the Crown Attorneys. He pointed out that the Program has evolved beyond this initial conception. Now, the Coordinator has taken on an active role in contacting clients at an early date and seeking their participation in the Program. He also noted that the types of clients who they are attempting to assist with the Program has widened; whereas at the start they thought the target group would be primarily domestic and sexual assault cases and some child abuse cases, they now are assisting other types of cases including break and enter, theft, fraud, and so on. In addition, the information function of the Program has expanded beyond what was originally expected. Now, the Coordinator explains to clients how the court works, takes them on a tour, and attempts to answer basic questions about what may happen.

Some of the Crown Attorneys interviewed pointed out that the assistance of the Coordinator makes what would otherwise be an impersonal experience for the victim/witness into a more humane encounter. Repeatedly, the Crown Attorneys stressed that they simply do not have the time to talk with the victim/witnesses outside of the time required to prepare the case. Not only does the Coordinator relieve the Crown Attorneys of having to go over information and explanations which they do not have the time to explain, she also listens to the victim/witnesses' emotional concerns so that the interview with the Crown Counsel often goes much more smoothly and quickly. Overall, the Crown Attorneys claim that with the assistance of the V/W Coordinator, their time with the victim/witnesses

is more productive. They noted that a prepared and willing witness is a much more effective witness and recalled that prior to the V/W Program they were not always able to see all the witnesses except immediately before court in some instances.

The Crown Attorneys observed as well that the Coordinator helps to diminish the frustration of the victim/witnesses in that she is easier to contact than are the Crowns: a message left with her can be passed on to the Crown Attorneys. It was also pointed out that in so far as the Coordinator has the time to listen to the victims and hear their complaints about the criminal justice system, and pass this information on where appropriate, she can, in a sense, contribute to the protection of victims' rights. They noted that the rights of defendants have been well represented in our legal system, but victims have often been neglected. They also felt an informed witness is one who is more likely to know her rights and insist on them; for example, it was their impression that greater numbers of sexual assault victims were now more willing to pursue charges since the advent of the Program. On the other hand, the Crown Attorneys expressed some concern that the Coordinator not become overly involved in victim advocacy. They did not want her to become involved in legal opinions which she may not be qualified to make. This could destroy the trust and cooperation between the Crown and the Coordinator necessary for the Program to work. The Deputy Director affirmed that for this reason it was very important that the person who filled the position of Coordinator have a very clear understanding of what her role was and the division between her function and that of the Crown, and that she/he be the type of person who could be trusted. They spoke of the Coordinator as an "ally". At the same time, the Crown Attorneys commented that they would welcome having the Coordinator bring information to their attention that was relevant and which they might have overlooked and noted that many times the Coordinator has, in fact, helped them out in this regard.

Along with her function of liaising with the Crown Counsel they pointed out that the Coordinator also assists the police: at times being able to give them information that prevented a further crime (as a result of having received an emergency call from a victim), and more generally exchanging information, and even providing them with recent addresses for victims who have moved. She has also assisted the police by giving clients Victim Impact Statements and helping them fill them out.

The Crown Attorneys noted as well that the Coordinator provides continuity for the victim/witness both in terms of emotional support and information about what is happening with the case. They noted in this regard that while the Crown Counsel may change throughout the case, the Coordinator is a constant contact for victim/witnesses. They also referred to her public relations function: answering calls from community agencies concerning clients and often attending meetings concerning victim issues.

In sum, the Crown Attorneys' opinion of the Victim/Witness Program was very positive. They felt every office should have a V/W Coordinator. Among the drawbacks they noted was the fact that in the Etobicoke office, the Program has limited funding and is definitely understaffed. They did not think that one half-time secretary and one Coordinator was sufficient to meet the demand, observing that the present Coordinator is over-worked. The Crown Attorneys even claimed that in some offices, the position of the V/W Coordinator was more important than another Crown Attorney in terms of the time which she could save them and the services she performed which would otherwise remain undone. In their words, the V/W Coordinator makes the Crown more efficient and therefore improves the cost-effectiveness of the system.

Another drawback--resulting from the foregoing problem--is that the Program may be raising unrealistic expectations. At the present time the Program cannot assist all victim/witnesses, concentrating instead on primarily domestic assault cases and some sexual assault and child abuse cases[23]. Associated with this problem is the fact that the Program cannot assist those cases--frequently the most complicated and serious cases--which proceed to district court due to its location in downtown Toronto. The Crown Attorneys agreed that other types of cases such as victims of break and enter, fraud, theft and so on, are often just as much in need of the kind of assistance the Program is meant to provide but the Coordinator cannot possibly meet with all these cases.

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23. There has been a large increase in domestic assault cases in the past two years in the Etobicoke office. The total number of cases, of all types, handled by the Etobicoke office is about 18,000 per year.

(iii) The Police Perspective

The police, like the Crown Attorneys, were supportive of the Program. The most common observation was that the Coordinator was able to provide assistance to victims which was often needed but which they were unable to undertake due to their lack of time and training. They also thought that in many instances, the Coordinator was able to help reluctant witnesses to proceed with the case[24]. In general, the police officers interviewed claimed they used the services of the V/W Program most frequently for child abuse, domestic and sexual assault cases. Other comments made by the police included the observation that victims commonly have unrealistic expectations about the criminal trial process (e.g. how long it is going to take, possible outcomes, etc.) and as a result think that the Coordinator has been helpful in explaining to victims what they may expect. It was also pointed out that it was important that the Coordinator be a neutral person--i.e. not in an advocacy role.

(iv) The Community Agencies

Once again, there was a very positive response to the V/W Program. Repeatedly, workers in various agencies commented that it was very important to both the victims and their own ability to assist these victims for there to be a person, who they knew by name, whom they could contact to find out about the legal situation and to whom they could refer their client. Social workers and lawyers in community legal clinics, in particular, noted how important it was for them to be able to have this liaison with someone who was--physically and functionally--within the court system.

Very few social service agencies are able to provide victims of crime complete follow-through. Only the Barbra Schlifer Commemorative Clinic attempts

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24. One officer pointed out that even if the defendant in a domestic case is acquitted, the fact that it has gone to trial often means that they do not have any further trouble from this person--an observation also made by a number of workers in the community legal clinics.

to provide this kind of service, attending to their clients' various needs which are often multiple and may include anything from legal assistance to housing. In Toronto, this is the only comprehensive service agency for assaulted women and the Clinic serves mostly North York[25]. Other agencies expressed awareness of this lack of consistent coordination for women in need of assistance, and in North York, for example, steps are being taken by NYIACC (North York Inter-Agency Community Council) to try to coordinate services and develop protocols which ensure that assaulted women do not slip 'between the cracks' between agencies. In the Etobicoke area there does not appear to be a similar centralized organizing body although agency workers were concerned about this problem.

Perhaps one of the clearest accounts of the importance of the criminal justice system to assaulted women was given by one of the lawyers at the Barbra Schlifer Clinic. Basically, there are two reasons why assistance with respect to their participation in the court system are important to assaulted women. Firstly, many battered women do not want to pursue charges, either because of their (and their children's) financial dependency on the husband/partner, intimidation by the husband, or simply for the reason that while they want the beatings to stop they do not want him to go to jail. Added to this is the not uncommon finding that many battered women accept the beatings as inescapable given, at least in the past, the traditional official response by police and the courts which failed to acknowledged the seriousness of this crime. In short, the Clinic's lawyer estimated that, without adequate support and preparation, about 80 per cent of battered women either do not want to or feel they cannot press charges against their husbands.

In contrast to this is the Ontario government's current position that says wife battering is a crime. While surveys of the Ontario Women's Directorate five-year education campaign have shown that there has been some improvement in public awareness and understanding of this offence, this is seen as only the first step in combatting the crime. Unless battered women are supported in such a way that they can deal with their reluctance or inability to pursue charges, their desired and necessary participation in the criminal proceedings will

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25. Last year, the Barbra Schlifer Commemorative Clinic was able to assist about 300 women; it had requests from 2000 women. The Clinic has its own counselling and legal services, and in addition, makes referrals and receives referrals from about 44 different types of agencies.

remain low. According to the Clinic's lawyer, token funding cannot possibly remedy this problem. Experience within the Clinic shows that when women are provided with the assistance they need, over 80 per cent will go through with the charges.

The second point made by this lawyer (also found in the literature on the subject), is that criminal proceedings, if properly handled, can assist the battered women in her 'healing process' inasmuch as the woman is given official recognition that she has been wronged, and even if the man is acquitted, there is often some benefit in having gone through the process[26]. In current terminology, the trial can serve as an "empowering" experience, enabling the woman to cease thinking of herself as a victim--sometimes having seen herself as a hopeless and even (according to conventional public sentiment) a deserving victim.

This account of the assaulted woman's relationship with the criminal justice system emerged repeatedly in interviews with other agency workers. There are a number of implications that follow: a) public education is not enough--there has to be substantial support to enable women to break out of their situations and take on the consequences of criminal proceedings; b) the kind of support required for them to be effective and cooperative witnesses frequently touches upon all aspects of their lives; and c) greater funding is required to meet these demands.

One obvious conclusion about the Ontario government's policy on wife battering according to the perspective of agency workers is the overriding importance of the Victim/Witness Program. The view that was expressed repeatedly was that the Program is not simply a humanitarian service but essential if the government is serious about treating wife assault as a crime: without follow-through of this sort women will continue to be unwilling to testify. Battered women need to know that there is support and assistance available and need to be referred to those agencies which provide such services; they will not usually seek them out on their own largely because they do not know they exist and also because it seems to require some sort of crisis such as criminal proceedings to propel them into seeking help to change their circumstances or to introduce them into the social service network.

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26. This, however, is not always the case as indicated in note 14.

Although many of the same issues arise with respect to sexual assault and child abuse, the situation facing these victims differs in some respects. For sexual assault victims, the overwhelming concern is fear of reprisal by the accused and fear of humiliation and degradation in court. The V/W Coordinator is of particular importance in these case from the point of view of the police and the Crown because, because unlike private victim advocacy agencies, she is seen to be neutral and therefore more likely to be able to offer the victim/ witness "unbiased" information. According to a worker at the Toronto Rape Crisis Centre, one of the biggest needs of rape victims is legal information. Although the Centre gives out the brochure, "Guide to the Criminal Justice System" (Ministry of the Attorney General), victims often require more information than is presented in this document. In this regard, the V/W Coordinator has been of assistance and it was felt that every jurisdiction should have such a Program with more than one coordinator if necessary since it was noted that the Co-ordinator in Etobicoke is over-worked. Rape victims need to know what their legal rights are: they need to know when they can report a rape, to whom, whether and how to get a forensic test, what will happen if the charge is plea bargained, who the Crown Counsel is, how to fill out a Victim Impact Statement, whether or not they need a lawyer, whether, after months have passed, they can change their minds and drop charges, when their trial will be, how the court works, how the judge reaches his decision, what the sentence means, etc.

Child abuse victims and their families also need much more information about the criminal justice system as well as the social service system since, like domestic assault victims, many of their needs are global. According to workers at Justice for Children (a legal clinic sponsored by the Canadian Foundation for Children and the Law) and the Children's Aid Society, children and their families need much more information about such things as whether they can lay an information more than once, who may lay a charge, who is entitled to make these decisions, whether they can withdraw charges, whether they need a lawyer, whether a family physician is obliged to report criminal offences, whether they have to call Children's Aid, and so on.

The Toronto area (i.e. two pilot sites in Toronto) has recently developed a police Emergency Community Service Program which replaces the Domestic Response Team used in the past (see note 1). The Community Relations Officer within this Program calls in the volunteers from the Salvation Army 24-hour crisis-inter-

vention Victim/ Witness Assistance Program. The S.A. Program offers babysitting, food, transportation to a shelter or a hospital, and a sympathetic ear. They refer victims who require counselling to other agencies. The volunteers do not work with children under 16 years of age. So far about 80 per cent of their cases are domestic situations. Those interviewed from this agency stated they welcomed the court-based V/W Program as many of the people they dealt with needed the assurance of having a contact who was knowledgeable about the court system. Although the S.A. Victim/Witness Program is still in its early stages, the Etobicoke Coordinator expected that its use would entail more work for her as volunteers increasingly referred greater numbers of clients to her.

Overall, the impression derived from interviews with community agency workers is that the court-based V/W Program is a much needed program and apart from limitations arising from lack of staff, it was operating very effectively. One way of summarizing agency workers' positive response to the Program was expressed by a lawyer at one of the legal clinics when she said "[a]t last there is some promise that the criminal justice system will kick in the way you have assured your clients it will." The only other drawback of the Etobicoke Program was that some workers did not know it existed--perhaps a boon considering that the Coordinator is already over-extended.

Suggestions for Improvements

While support for the Victim/Witness Program was strong and unanimous among all those who have had occasion to be involved with victims or the Program, there were a number of suggestions which repeatedly arose. Some of these suggestions may not necessarily come under the mandate of the V/W Program, but are nevertheless related to the effective functioning of the Program.

A common observation was the need for greater outreach to victims in the community. As already indicated, many victims (perhaps the majority) simply do not know basic things such as what they should do once an offence has occurred, what their legal rights are, and what kinds of social services are available in

their communities. Almost all those interviewed suggested that the government invest in public service announcements which communicate some of this information, as well as the dissemination of pamphlets (in more languages than at present) which outline in greater detail what victims of crime could do and what they could expect to happen. Others suggested that an information hotline be established for crime victims.

Related to this need for more information is the idea that videos be used to inform crime victims about the workings of the courts and how people in similar situations have handled their problems. At the present time, Justice for Children uses a fifteen minute video about the legal system for groups of adolescents and teens and has found it to be quite effective. Along with providing introductory information, this video has also been found to be useful as an 'icebreaker' in what is a somewhat stressful situation.

According to the Etobicoke Coordinator, a video would only be feasible if there were also a volunteer available to explain its contents and answer questions--if, for example, the video were shown once a week or so to a group of women. The problem, however, is that most women do not have schedules that permit them to come in during the day or evening either because they are working or they have children to look after. Although they can arrange time to come to see her in response to the official letter informing them about the Program, it is unlikely they would make such an effort for a film. It was also her opinion that the video would have to be shown by a volunteer capable of answering questions (and not simply available on demand in the courthouse) because the victims would be likely to forget their questions if they had to wait to see her. She was also doubtful about whether many women would be motivated to come to see the video because many of them--about half--do not want to pursue charges, and even when they do come to see her, many think they are coming to persuade her to drop the charges. In addition, it was noted, the video would be more useful if it were available in several languages. Apparently, a video on wife battering is available in English, Italian and Spanish in the North York agencies and shelters.

As has been noted, many victims of sexual assault and child abuse require legal advice. At the present time, the certificates for legal aid are only

available from women's shelters[27]. The question that arose here is, is there any reason why these certificates could not also be available to the V/W Coordinator since many of the women she sees are not located in a shelter and therefore do not have access to these certificates. The Coordinator stated that she can answer only the most basic legal questions and would welcome being able to distribute the legal aid chits when required[28]. And although, with respect to most criminal proceedings, the victim is told she does not require a lawyer to represent her, it is the opinion of many child abuse victim professionals that they should, in fact, obtain the services of a lawyer. It was also pointed out in this regard that while not all victims require a legal advocate, what they do require is a "systems advocate"; i.e. someone who can steer them through the legal and social services system--a point noted in the earlier sections of this report.

Many of the social service agency workers expressed the opinion that it is important that the V/W Coordinator be a woman simply because the majority of victims seeking assistance are women and also because of the personal nature of the offences. The worker at Justice for Children pointed out that, in her experience--particularly with male police officers, a woman would likely be more effective with male child abuse victims who, already reluctant to admit to victimization, are even more embarrassed when having to reveal this kind of information to a man.

At the present time, the structured four-week groups for abused children offered by the Metropolitan Toronto Special Committee on Child Abuse are only available for girls and their mothers. The victim must enrol in one of these groups within three months after disclosure. According to some agency workers who were interviewed this program needs to be augmented in order to provide some similar assistance to boys (who are often overlooked within the present system). While it is acknowledged that this program offers a valuable service, it was also pointed out that the timing of this group is such that often children have forgotten the information by the time their case comes to trail. Fear and anxiety about the trial increases as the trial date approaches and children and their families require further support at this time. Therefore, what is required

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27. See note 3.

28. One of the most commonly asked questions by victims is "do I need a lawyer?" "Do I need a lawyer for this trial, do I need a lawyer for my family/separation/custody business?" This question is frequently followed with "I can't afford a lawyer."

is some service whereby these children and their families may be assisted periodically throughout the period before and after the trial. It was also pointed out that not all children (and their families) respond well to groups and that some alternative individualized service is required. In addition, as noted above, the age group sixteen to eighteen years old is a neglected population due to the fact that Children's Aid is responsible only for those up to sixteen years. Lastly, there is a need for some follow-up service since at the present time children tend to be "dumped" once the trial is over[29]. Under current arrangements, workers such as those in Justice for Children and, indeed, frequently the V/W Coordinator, are the only people available to fill these gaps. Whether this is the most effective arrangement needs to be investigated.

The need for follow-up service was also recognized by those who work with battered and sexually assaulted women. These women occupy a substantial amount of the V/W Coordinator's time after their trial is over. Once again, there needs to be some examination of the most efficient way of meeting this demand and whether the V/W Coordinator can be expected to undertake this area of work. It is possible that the position of the V/W Coordinator is the most suitable person for handling these needs due to the fact that she is often a well-known, informed and consistent contact for victims; however, it is also clear that she cannot realistically be expected to do so without further assistance.

Much of what has been said so far implies directly or indirectly the need for inter-agency coordination. Most workers in the field recognized this need--the question being how to organize such coordination. As has already been discussed, the effective participation of victims within the criminal justice system frequently hinges on whether they can manage all the other problems that are facing them; it is not simply a matter of their being informed about the court system although that is also essential. What was also emphasized was that while individual workers have attempted with some success to develop contacts and build a kind of inter-agency network, this is not enough. As the representative from the Metropolitan Toronto Special Committee on Child Abuse pointed

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29. The worker at Justice for Children pointed out that there are fewer and fewer services available to children as they progress through the system. Recovery groups are necessary to help children come to terms with unfinished business and, in addition, there is much valuable information to be had from listening to children after they have gone through the trial which would be useful for those who are working in the field as well as to the Ministry of the Attorney General with respect to its policy and program decisions.

out, "[w]hat is needed is an organized system, not just an organized person because when that person leaves, the entire system falls apart." Whether the Ministry of the Attorney General should take responsibility for spearheading this coordinated system is another matter which needs investigation.

It is perhaps clear by now that one of the most critical problems facing the V/W Program is adequate staffing. From all sources, one of the most common observations was that there should be a Victim/Witness Program in all jurisdictions and that it should have sufficient personnel. The impression that emerged during the course of this evaluation was that under present arrangements the Etobicoke Coordinator was hard-pressed to fulfill her mandated duties and, on top of this, was also meeting demands outside of those directly related to her court assistance. I have also implied that this may be appropriate in terms of her function and location within the system and also because no other agency appears to be as ideally situated. This, however, is not at all certain. The question is whether the Coordinator's role should be amplified in order to be able to respond to these auxiliary needs or whether some alternative arrangement could be developed. In either case, according to the views of those interviewed for this evaluation, an increase in staffing is required[30].

I might add in this regard that some of the budget for expansion in this area might be suitably found by eliminating the Domestic Assault Prosecutors' Training Program (see note 2). It was my impression that there is very little need for such a program given the Crown's conventional ways of working and especially in view of the assistance they receive from the V/W Coordinator: any knowledge and skills the Crown Attorneys gain from such a course are already more appropriately vested in the V/W Coordinator and, from the comments gathered from this evaluation, it seems that the Crown Attorneys would prefer to have the Coordinator provide the specialized treatment implied by this course thereby leaving them free to get on with the job of preparing their cases. On the other

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30. The Etobicoke Coordinator, when asked what improvements she would like to see, responded that one of the most pressing needs is for additional help. Right now she has attempted to become an expert in domestic assault, sexual assault and child abuse. Ideally, it would be better if there were one person responsible for each of these types of victims and a fourth person (perhaps part-time) to be responsible for the training and coordination of volunteers. This is especially critical in the Etobicoke court system because of the geographic split between provincial and district court as well as Silver Spring, the juvenile court. A common criticism raised by community social service agency workers concerned the proposed implementation of a V/W Program in Old City Hall: there was unanimous agreement that only one coordinator would be impractical for the size of the population being served in that jurisdiction.

hand, there was some evidence that in some areas Crown Attorneys have demonstrated an attitude towards domestic and sexual assault cases which observers feel is inappropriate, often hostile. Perhaps in these cases the Domestic Assault Prosecutors' Training Program is necessary, or perhaps an alternate, less costly, means of educating Crown Attorneys could be found.

There were a number of criticisms and suggestions which, although they do not relate directly to the V/W Coordinator's role, concern the operation of the courts. First among these was, of course, the lengthy time delays for the case to be heard. Much of victims' ineffectiveness as witnesses and reluctance to continue with criminal proceedings was attributed to these delays. Some have suggested that night courts might alleviate this problem and would be especially welcomed by single mothers who have to work during the day (and who are greatly concerned about losing their jobs and fearful that their employers and co-workers might learn about the trial).

Secondly, there were a number of suggestions made concerning the way children are treated by the courts: they have to shout to be heard, they are isolated and expected to adjust to a scale of furniture and surroundings geared to adults, greater clarity could be gained through the use of drawings and anatomical dolls, allowances comparable to those granted the accused could be made to accommodate children's school exams and so on, properly equipped waiting rooms (i.e. with toys, cots, enough space, washrooms, privacy, snacks, etc.) could help alleviate the tedium of waiting long hours before being called as a witness, and most important, the necessity of ensuring that children meet with the Crown Counsel well before the case comes to trial. Not only would improvements of this sort make the trial process more humane for children and their families, they would also help the V/W Coordinator in terms of allowing her to get on with other more urgent matters instead of having to help witnesses adjust to needless frustration and inconvenience.

Another group of suggestions concerned conventional court procedures: routines for handling restraining orders, probation orders, applications for compensation, and so on. As has been indicated, one of the most pressing concerns of victim/witnesses is that of safety. They are often very frightened about what the accused may do to them or their families and they want to know

what kind of protection they have against the accused[31]. The Coordinator and community workers observed that procedures concerning restraining orders could be improved to help victims. At the present time it is not customary for the victim to automatically receive a copy of the restraining order--the V/W Coordinator must spend time collecting and sending it to her. It is important that the victim has a copy of the order in hand in the event of further trouble because the police cannot do anything until they have seen a copy of the order. At one time, 2 District (Etobicoke) had a procedure set up whereby all restraining orders for that area were on file at 22 Division so that, with luck, all the police officer responding to a call from a victim had to do was check with the Division in order to find out the status of the restraining order. This system has since been abandoned with the result that unless the victim has a copy of the order in her possession, she is unlikely to receive immediate assistance from the police. The procedure was not always that effective, however, due to the fact that in the past it was not uncommon for the restraining order to be included as part of a custody and support order. In these cases the police were powerless to act because the order did not technically come under the Criminal Code. This problem was partially solved by ensuring that all courts in the Etobicoke area adopted the same procedure of separating restraining orders from custody and support orders. Nevertheless, restraining orders issued in other jurisdictions which did not follow this procedure still created problems[32].

To overcome these kinds of problems, it has been suggested that all courts adopt the same procedures for writing up restraining orders and that these orders be automatically mailed to victims. Similar procedures should be followed for probation orders which stipulate conditions about when the defendant may come in contact with the victim and her family or any other relevant conditions. It was also pointed out that the orders should be accompanied by a pamphlet explaining the meaning of the order, available in a number of languages. (At the present time, this pamphlet is available only in English, French and Spanish.)

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31. A worker at the Assault Women's Helpline noted that the major issue for women is safety and the need to know when the man is going to be released so that they can make plans for their safety. Access to the V/W Coordinator has helped in this regard although she is not always easy to reach and it takes time for her to find this information for the victims.

32. Apparently the police are aware of the problems surrounding restraining orders and are looking into ways of improving current procedures.

Those who were interviewed emphasized that many benefits would come from improvements in these procedures including the enhanced safety of the victim, a saving of considerable time for themselves (since they must otherwise drive to the court to collect the order), and also an improvement in their relations with victims for it was pointed out that they sometimes feel they cannot, in good faith, encourage the woman to seek legal remedy when they know that it is highly likely that such orders will be "almost useless" to her.

Another area requiring improvement concerns applications to the Criminal Injuries Compensation Board. At the present time, victims must write to the Board to obtain an application. Then they may fill out the application and wait for a response. A number of agency workers and the Coordinator questioned why these applications could not automatically be given to the victims at the time of the verdict, thereby eliminating frustrating delays.

For a variety of reasons (not least of which is frustration with police), a sizable number of women attempt to lay a charge with a Justice of the Peace. Many of these women do so without a clear understanding of what is involved and what may happen[33]. The Etobicoke Coordinator stated that if she had more time or more assistance, it would be helpful to have someone in the JP's office who could answer women's questions and explain to them the possible repercussions of their actions.

With respect to the more specific court-related needs of victim/witnesses, it has already been pointed out that they often require transportation and should always have someone to accompany them in court. Apart from the Barbra Schlifer Clinic and agencies specializing in children's welfare (which have waiting lists), it appears that no agency is able to routinely offer this service although some try to do so when they can. No suggestions were given about how to meet this need and most agency workers seemed to hope that the V/W Coordinator would be able to offer this assistance. While the Coordinator tries to check in with victim/witnesses when she can, she does not have time to take on this responsibility for every victim.

Finally, the Etobicoke Coordinator commented that the job of V/W Co-ordinator is a very demanding and isolated one. She has derived great benefit

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33. For example, women will say "I just wanted to get a peace bond--now he is being charged and arrested and I've got to go to court. It's going to take 10 months and I want him to stay away from me now, not 10 months from now. I didn't know this was going to happen."

from consulting with other V/W Coordinators and would like to see more regular meetings for the coordinators so that they may share concerns and learn from each other.

Summary

The picture which emerges from this preliminary evaluation is that the Etobicoke Victim/Witness Assistance Program has been very positively received by the Crown Attorneys, the police, community agencies and victims. One of the most frequent comments was that there should be more such Programs and more staff within the Program. There is little doubt that the demand for this kind of service will only increase in the future.

One of the chief benefits of the Program stems from the observation that when victims receive the information and especially the emotional support they require, they are very much more likely to become willing and effective witnesses. Often victims' reluctance to proceed with charges arises from their fear and lack of knowledge about what is going to happen with the result that society is defeated in its attempt to prosecute offenders and victims themselves fail to receive the protection and benefits that could come from criminal proceedings.

A number of themes bearing directly and indirectly on the Program recurred throughout the interviews with those associated with the Program. Firstly, suggestions for improvement included the need for greater inter-agency co-ordination and the need for follow-up for victims. Secondly, the importance of consistency in the victim/witnesses contacts was repeatedly recognized. Many of the community workers and the Coordinator commented on the confusion that confronted the victim and how difficult it was for her to steer her way through the multiplicity of decisions and problems facing her. It was not at all clear who or what agency should take responsibility for providing some kind of consistent and informed guidance to victims. In addition, this lack of consistency and coordination of the victim's situation prevents agencies from providing the most effective service to their clients.

The net result is that various agencies as well as the V/W Coordinator are being left in the position of attempting to provide assistance when they have

neither the mandate nor the time to do this for everyone they see. It is possible that the role of V/W Coordinator is ideally suited to fulfill this function but clearly not under the present arrangements. On the other hand, an alternative approach may be preferable.

Future Evaluation

If we were to use an "evaluation frame work" (as described under a federal document by that name) to outline suggestions for future evaluation, it would be necessary to analyze the Program in terms of such things as "elements", "outputs", "rationales" and so on. I do not intend to follow this approach too closely but will adopt the general import of this way of considering evaluations.

(i) Activities and Effects

The activities of the V/W Program have been described above (pp 5-8) and questions raised about the proper scope of the Coordinator's duties. These activities are intended to produce a number of outcomes consistent with the aims of the Program: viz. moral support, courtroom orientation, explanation of legal terminology, accompanying victims to court, liaison with police and the Crown, referral to community agencies, and public education and coordination for other agencies. For the most part it is impossible to measure the presence of these intended outcomes except by indirect methods, e.g. interviewing those to whom they apply about their attitudes and responses to the Program in much the same way as was done for this preliminary evaluation.

What was not deliberately examined in this research was a documentation of the unintended effects, although reference to these possible outcomes arose during interviews with participants. A major unintended consequence that repeatedly arose was the risk of raising unrealistic expectations among potential users--a problem which will in all likelihood only increase in time as the

Program becomes better known. The shortage of personnel to keep up with demand has already been noted.

A further unintended effect involves the nature of the expectations victims have about the Program. They may, for a variety of reasons already described, expect the Coordinator to fulfill a role beyond that of simply providing court assistance. Because the Coordinator may often be the first and most informed contact they have with the legal and social services system, victims may look to her for assistance with all of their problems. In this respect, the "coordination" aspect of the Program's objectives may, at least from the victims' perspective, be more important and more encompassing than was originally imagined.

As a result of the possible increasing demands made on the Coordinator's time, a further unintended consequence may be growing disenchantment with the Program on the part of those who feel they have a legitimate claim on the Coordinator's time--especially the Crown Attorneys. There is a real risk that the needs of victims may compete, in terms of time, with the Coordinator's assistance to the Crown Attorneys with the result that they may no longer view the Coordinator as their "ally". Similarly, the 'success' of the Program may make it more difficult for community agencies to contact and receive needed information from the Coordinator, and as a consequence they may return once more to the position of viewing the criminal justice system with misgiving.

If the V/W Program expands, it may pose an excessive administrative burden on the Ministries responsible for it with the result that other programs and initiatives may be neglected.

Among the positive unintended effects is the possibility that the presence of the Coordinator may assist community agencies to develop greater inter-agency coordination. Clearly, her presence has been viewed as a hopeful sign and may add impetus to efforts in this direction. It is also possible that up to a point, the Program may enhance the public's faith in the criminal justice system as well opinion about the government's commitment to women's issues. Beyond a certain point, however, is the risk that the Program will be seen as mere tokenism unless it is adequately funded and able to meet the demand.

Other unintended benefits of the Program include the fact that better record-keeping and statistics on victim/witnesses may now be forthcoming as a result of records kept by the Coordinator. In the same vein, more knowledge

about the needs of victims and ways to improve the criminal justice and social services systems may be generated.

(ii) Evaluation Issues and Questions

From a process evaluation perspective, there are a number of issues and questions which require further investigation. This preliminary evaluation suggested that many of the following questions have not been adequately addressed.

1) Does the Provincial Coordinator have a clear mandate and has this mandate been fulfilled?

2) Should the mandate of the Provincial Coordinator be changed in any way in order to accommodate the demands of users of the Program?

3) Have sufficient resources been allocated to this office in order to facilitate the execution of the mandate?

4) Have community agencies and other users of the Program such as the police and Crown Attorneys been adequately introduced and integrated into the Program?

5) What procedures have been established to ensure that all users are informed about the Program and have opportunities to provide feedback?

6) What steps have been taken to evaluate the V/W Program's value within the overall context of the Family Violence Initiative? Have priorities been established and are the bases for these priorities well-founded and understood?

7) How are resources for the implementation and possible expansion of the Program allocated in terms of: a) timeliness, b) criteria/conditions for funding, and c) amount?

8) What procedures have been established to make research findings in areas related to this Program available to policy and program managers?

9) Is current administrative responsibility for this Program located within the most appropriate Ministry?

In addition to process evaluation issues, there are a number of outcome evaluation questions.

10) How have the objectives of the Program been set and who has opportunity to provide 'input' into the formulation of the objectives?

11) Have the intended and unintended effects of the Program been fully identified and prioritized?

12) In view of information about the Program and its operation, are the the objectives appropriate?

13) Are there better ways of achieving the overall objectives of the Program? Have alternative methods been considered and what were the reasons for choosing this strategy?

14) What 'lessons have been learned' from other V/W Programs and do Program Managers have access to this information?

(iii) Evaluation Methods and Data Sources

As noted above, the chief source of information for evaluation purposes is through interviews with the V/W Program users as well as with those responsible for the implementation of the Program. One of the most effective ways of gathering information of this sort is through groups of users rather than individuals because information is more readily generated. In addition, the development of a new record-keeping system may help to identify target users and their needs.

Information about potential users not currently being served by the Program (e.g. those deliberately skipped over or those inadvertently lost) would have to be gathered by conducting a survey on a sample of the total court population of victim/witnesses. Further information about these potential users could be gained from interviews with community agency workers. The objective here would be to find out how large this potential population of users is and what kind of assistance they require. For example, certain types of victims such as the elderly may require much more in the way of medical and financial assistance, without which they may needlessly suffer and/or prove to be reluctant or

unavailable witnesses. If, however, there is no possibility of increasing funding for the V/W Program, there is little value in finding out about other types of clients since the present Program is already attempting to serve a demand beyond its capacity.

APPENDIX A

Persons and Agencies Contacted*

Crown Attorneys:	Gerry Lapkin (Deputy Director) Faye McWatt Elizabeth Flynn Gail Glickman
Police:	Sgt. Edna Clark (District Sgt., Youth Bureau for Etobicoke, 2 District) Sgt. R. Miller (12 Division) Sgt. P. Townley (21 Division) P.C. P. Fontaine (22 Division)
Community Agencies:	Salvation Army Victim/Witness Assistance Program Catholic Children's Aid The Metropolitan Toronto Special Committee on Child Abuse Ernestine's Toronto Rape Crisis Centre Barbra Schlifer Commemorative Clinic North York Women's Shelter Women's Habitat of Etobicoke Assaulted Women's Helpline Justice for Children Parkdale Legal Services Rexdale Women's Centre Rexdale Community Information and Legal Services North York Inter-Agency and Community Council (with representatives from the police, Clarke Institute, Metro Children's Aid, Adult Services, Catholic Family Services, Family Services Association, NYIACC, and North York Women's Shelter)

* The Senior Judge in the Etobicoke region is Judge Roebuck. Due to illness necessitating his absence, and due to the fact that the next most suitable judge was away on holidays, no representative from the judiciary was inter viewed.

APPENDIX B

Ontario

Ministry of the Attorney General

Ministère du Procureur général

Office of the Crown Attorney

Bureau du Procureur la Couronne

Judicial District of York

District judiciaire de York

Court House
80 The East Mall
Toronto, Ontario
M8Z 5X6

Palais de Justice
80 The East Mall
Toronto, Ontario
M8Z 5X6

416/252-7895

COURT VICTIM/WITNESS PROGRAMME

ARE YOU A VICTIM OR WITNESS OF CRIME?
The Court Victim/Witness Programme assists victims and witnesses of crime who may be required to attend court and participate in the criminal justice system. We try to humanize the courts and attend to the immediate and short term needs of victims and witnesses. This involves both the emotional and practical problems related to the offence as well as the stress of attending court.

The Court Victim/Witness Programme works closely and in co-operation with the Police and the Crown Attorney.

WHAT SERVICES ARE PROVIDED?

General information is available concerning the location of particular cases, courtrooms, Crown Attorneys, police bureau;

Specific information regarding court procedures, testifying in court, current status of cases;

Emotional Support - someone to talk to and sit with before, during and after court; follow-up support on subsequent court appearances;

Separate Waiting Area away from the general public;

Pre-Court Appearance Interviews to discuss concerns about court proceedings and, if requested, an orientation of the courtroom;

Referrals to community service agencies and the Criminal Injuries Compensation Board.

If you are a victim or a witness to a crime and need help or information, please contact Phyllis McBride. The Court Victim/Witness Programme office is located in the Crown Attorney's office in the main corridor of the Courthouse. The telephone number is 252-1622.

Ontario

Ministry of the Attorney General

Ministère du Procureur général

Office of the Crown Attorney

Bureau du Procureur la Couronne

Judicial District of York

District judiciaire de York

Court Victim/Witness Programme
252-1622

Court House
80 The East Mall
Toronto, Ontario
M8Z 5X6

Palais de Justice
80 The East Mall
Toronto, Ontario
M8Z 5X6

416/252-7895

REGISTERED MAIL

This is to advise you that the Crown Attorney's Office will be prosecuting the above noted matter in which you are named as the victim.

We would appreciate an opportunity to interview you at your earliest convenience regarding the circumstances of the case. The purpose of this interview is to assist us in preparing the case, advising you as to the procedure involved, and to answer any questions you may have.

If you would like to meet with our Victim/Witness Coordinator, please call Phyllis McBride at (416) 252-1622 to arrange a convenient time and date for an interview.

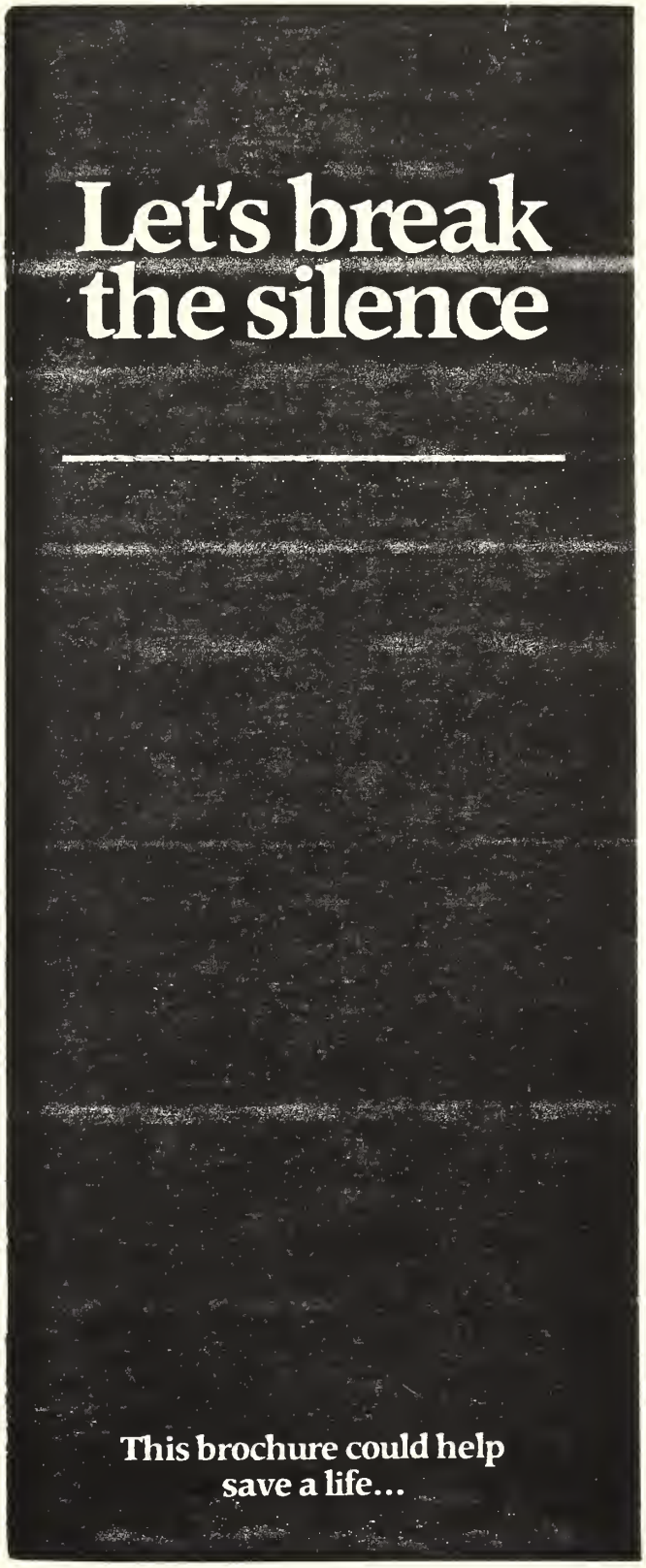
Thank you for your cooperation. If you have any questions, please feel free to contact Phyllis McBride.

Yours Sincerely,

Gerald S. Lapkin, Q.C.
Deputy Crown Attorney

GSL/js

APPENDIX C


Let's break
the silence
This brochure could help
save a life...

All across Canada in every kind of home in every kind of neighbourhood, men are threatening, punching, slapping, kicking, hitting, beating, burning, knifing and shooting the women they live with. You may know a battered woman or her partner. You may BE one or the other. You may already know a little about the problem or be reading about it for the first time. Whichever category you fall into, this brochure will make it easier for you to help either yourself or someone else.

WHAT IS WIFE ASSAULT?

The term wife assault is applied to physical or psychological violence by a man towards his mate. You don't have to be married to be a batterer or his victim. You may be living common-law. You may be boyfriend and girlfriend. Wife assault, like any form of assault, is a crime, which the law can and does punish.

HOW COMMON IS IT?

At least one out of every ten women in Canada is battered by her partner. That means that more than 200,000 women in Ontario alone are being physically assaulted not by strangers in the street, but by their husbands. They are women of all ages, income levels and cultures. Pregnant women are particularly at risk.

WHAT KIND OF MAN WOULD BATTER?

Rich men, poor men, men from literally every profession and background batter. For the most part they are normal men. They are not sick or mentally ill.

WHY SHOULD SOCIETY CARE?

In a healthy society no-one should have to live in terror. Yet countless Canadian women wake up with fear each morning and go to bed with fear at night. Violence increases over time. What starts with a slap or a shove can end, too often, in death. In fact, wife assault is responsible for one-fifth of all homicides in Canada–and the damage doesn't end there. Children exposed to family violence often face major adjustment problems during childhood and adolescence–and are themselves far more prone than normal to become either batterers or victims. We don't want that cycle to continue.

WHAT DOES THE LAW SAY?

The law says that assault is a criminal offence. If a man hits his partner or threatens to cause her physical harm, he is committing an illegal act for which he can be arrested, charged and sent to jail if convicted. Should he receive a suspended sentence and not have to spend time in jail, he will still have a criminal record.

A woman who leaves her partner specifically because he beats her is NOT considered to have deserted either him or the family home. She CAN still get custody of the children and financial support. If possible she should take the children with her when she leaves. Should she later decide to separate from her partner, she will be in a stronger position to apply for custody if the children are already physically with her. Legal advice is essential in these situations.

In some cases an assaulted woman may apply for a court order which will allow her to stay in the home and prevent her husband from entering it.

Any immigrant woman who is being beaten by her husband and who is afraid to leave for fear of losing his sponsorship should contact the nearest Canada Immigration Centre for advice. (Canada Immigration Centres are listed in the blue pages of the phone book in the Government of Canada section, under Employment and Immigration Canada, Immigrant Centres.) She should also contact a local community legal clinic or an immigration lawyer.

WHAT CAN A BATTERED WOMAN DO?

Recognize she is NOT to blame...

An assaulted woman must first understand that she is NOT responsible for her partner's violence. No matter what he says, she does not deserve to be beaten. Nobody does.

Try to keep track...

Talk to someone such as a doctor, social worker or psychologist after each battering incident so that a record is kept. This record will prove extremely useful if the case goes to court.

Try to communicate with others...

A man who batters tends to isolate his victim, preventing her from confiding in anyone who might help her. Keeping the problem a secret makes it easier for the batterer to continue battering. A woman in a violent relationship should let others know what's going on. If possible, she should talk to an understanding friend or relative. There may be a women's centre in her community, where she can find support and advice. She should also seek help from those in the helping professions such as doctors, lawyers, social workers and clergy. Family violence is a complex issue and not everyone understands it.

If such a person makes her feel she is to blame, she should go to someone else. She should KEEP TRYING until she finds the help she needs. Above all, she should not give up.

WHERE CAN SHE TURN?

Her doctor

An assaulted woman should tell her doctor the truth about her situation. If she has sustained recent injuries she should ask that a detailed record of them be kept. This will prove useful if her case goes to court.

Her lawyer

It is a good idea to get legal advice. If a battered woman has decided to separate from, or divorce her partner, she needs to know what her rights are. To find out she should consult a lawyer. If she cannot afford a lawyer she has the right to free legal aid in Ontario.

The police

If a woman has been beaten she should call the police. The Solicitor-General has directed the police to lay charges whenever the facts and circumstances lead them to believe that an assault has taken place. Recent experience has shown that when the police, rather than the victim, press charges, the case is more likely to succeed in court. By having the police lay charges, the burden of responsibility is removed from the woman's shoulders. It becomes more difficult for her partner to pressure her to drop the charges, since she can honestly tell him that it's out of her hands.

The courts

Because wife assault is a crime against society, the case against the batterer will be conducted by a Crown Attorney, who represents the province, with the victim acting as witness.

In every district in the province there are Crown Attorneys who have been specifically trained to deal with the special problems faced by victims of wife assault. They are there to guide battered women through the court system.

If the police do not charge her partner, the assaulted woman may do so herself. She can go to a Justice of the Peace and request that a charge be laid against her partner. The services of a Crown Attorney will still be available to her.

WHERE CAN AN ASSAULTED WOMAN GO?

Some go to friends or relatives. Many others go to shelters. A shelter offers exactly what its name implies: safety from assault, a chance to recover, rest and think, and the support of other sympathetic women. A woman does not need money to go to a shelter.

The staff there will provide for her immediate needs and those of her children. Some shelters have an arrangement with a nearby school which permits children to continue their education. Even if an assaulted woman is not planning to leave her home, she can still call a shelter for advice, encouragement and moral support. The following page contains a list of shelters in Ontario and their phone numbers.

WHAT CAN A BATTERER DO?

He can start by taking responsibility for his actions. His partner did not MAKE him hit her. Neither should he blame alcohol or drugs. These are sometimes used as an excuse. But there is no excuse for battering. Expressing anger or frustration through violence is something a batterer may have learned to do as a child, usually through witnessing or experiencing violence at home. With help, he CAN learn other ways of expressing these emotions, ways which will not damage the people he loves best. The batterer is responsible for finding help. Sources of help will vary from community to community. He may start with the family doctor or social service agencies.

WHAT CAN I DO?

You've read this brochure to the end and that's a good start. Show it to a friend. Talk to others. The more you know about this problem the more help you can offer someone in need. If you hear your neighbour being battered, call the police. Choose the right moment and talk to her. Let her know she is not alone. Suggest other sources of help. Give her this brochure or find her the phone number of a shelter. Remember, wife assault is a hidden crime. And it will continue, from one generation to the next, unless we BREAK THE SILENCE. So let's talk. Let's learn more about the problem. Let's do our best to solve it.

IT'S TIME TO BREAK THE SILENCE.

If you are a woman in crisis call your nearest shelter.

For more information on victims, batterers, research, services or advice for professionals write:

Break the Silence
Queen's Park
Toronto M7A 1N3
Attention: Wife Assault

WOMEN IN CRISIS, CALL:

NAME	TELEPHONE
Atikokan	
Atikokan Crisis Centre	(807) 597-1447 Zenith 55510
Aurora	
Yellow Brick House	(416) 773-6481 (416) 727-1945 1-800-263-3247
Barrie	
Women & Children Crisis Centre	(705) 728-6300 1-800-461-1716
Blind River	
Mississauga Family Resource Centre	(705) 356-7800 1-800-461-2232
Brantford	
Nova Vita Women's Shelter	(519) 752-4357
Bracebridge	
Muskoka Interval House	(705) 645-4461 1-800-461-1740
Brockville	
Leeds & Grenville Interval House	(613) 342-8815
Cambridge	
Family Crisis Shelter	(519) 653-2422
Carleton Place	
Lanark Interval House and Sexual Assault Centre	(613) 257-3469 1-800-267-7946
Chatham	
Chatham-Kent Women's Centre	(519) 354-6360 1-800-265-0598
Cobourg	
Women in Crisis	(416) 372-0746
Cornwall	
Maison Baldwin House	(613) 938-2958
Dryden	
Hoshizaki House	(807) 223-3226
Eganville	
Avoca Interval House	(613) 628-2154
Elliot Lake	
Elliot Lake Women's Crisis Centre	(705) 461-9868 1-800-461-4623
Foxboro	
Three Oaks Foundation	(613) 967-1857
Geraldton	
Geraldton Family Resource Centre	(807) 854-1529
Goderich	
Survival Through Friendship Home	(519) 524-6245 1-800-265-5506
Guelph	
Women in Crisis/Marianne's Place	(519) 836-5710
Haileybury	
Pavilion Transition House	(705) 672-2128
Hamilton	
Hamilton Native Women's Centre	(416) 522-1501
InAsMuch House	(416) 529-8149
Interval House for	

NAME	TELEPHONE
Hawkesbury	
Maison Interlude House Inc.	(613) 632-1131 1-800-267-4101
Kapuskasing	
Habitat Interlude	(705) 337-1122
Kenora	
Kenora Family Resource Centre	(807) 468-5491 1-800-465-1117
Kincardine	
The Women's House of Bruce County	(519) 396-9655 1-800-265-3026
Kingston	
Kingston Interval House	(613) 546-1777
Kitchener	
Anselma House	(519) 742-5894
London	
London Battered Women's Advocacy Clinic	(519) 432-2204
Women's Community House	(519) 439-4543
Marathon	
Northshore Family Resource Centre	(807) 229-2222 1-800-465-3307
Mattawa	
Mattawa Family Resource Centre	(705) 744-5567
Matheson (Black River)	
Canadian Mental Health Family Resource Centre	(705) 273-2339
Midland	
Rosewood (Huronia Transition House)	(705) 526-4211
Milton	
Halton Women's Place	(416) 878-8555
Mindemoya	
Haven House Family Resource Centre	(705) 377-5160
Moosonee	
Moosonee Family Resource Centre	(705) 336-2456
Niagara Falls	
Niagara Women in Crisis	(416) 356-5800
North Bay	
Nipissing Transition House (call collect)	(705) 476-2429
Ojibway Family Resource Centre	(705) 472-3321
Orangeville	
Hillside House Family Transition Place	(519) 941-1433
Oshawa	
Auberge/Sedna Women's Shelter	(416) 728-7311 1-800-263-3725
Higgins House	(416) 576-8880
Ottawa	
Interval House-Ottawa-Carleton	(613) 234-5181
La Plaisance	(613) 233-8297
Maison d'Amitie (Amity House)	(613) 234-7204
Owen Sound	
Grey-Bruce Women's Centre Inc.	(519) 371-1600 1-800-265-3722
Parry Sound	

NAME	TELEPHONE
Pembroke	
Bernadette McCann House for Women Inc.	(613) 732-3131
Peterborough	
Crossroads I	(705) 743-4135 1-800-461-7656
Crossroads II	(705) 743-8922
St. Catharines	
Women's Place	(416) 684-8331
St. Thomas	
Women's Place	(519) 633-0155 1-800-265-4305
Sarnia	
Women's Interval Home	(519) 336-5200 1-800-265-1412
Sault Ste. Marie	
Women in Crisis (Algoma) Inc.	(705) 759-1230
Simcoe	
Haldimand-Norfolk Women's Shelter	1-800-265-8076
Sioux Lookout	
Women in Crisis Sioux/Hudson/North	(807) 737-1438
Stratford	
Optimism Place	(519) 271-5550 1-800-265-8598
Sturgeon Falls	
Sturgeon Falls Family Resource Centre	(705) 753-1154 (705) 753-1168
Sudbury	
Genevra House	(705) 674-2210 1-800-461-0133
Thunder Bay	
Beendigen House	(807) 622-5101
Community Residence	(807) 625-2430
Faye Peterson Transition House	(807) 623-6600 1-800-465-6971
Timmins	
The Family Counselling Centre	(705) 267-7333
Wawa	
CHADWIC Home	(705) 856-2848 1-800-461-2242
Welland	
Women's Place	(416) 788-0113
Winchester	
Naomi's Family Resource Centre	(613) 744-2838 1-800-267-0395
Windsor	
Hiatus House Inc.	(519) 252-7781
Woodstock	
Women's Emergency Centre Inc.	(519) 539-4811 1-800-265-1938
TORONTO AREA	
Downsview	
North York Women's Shelter	(416) 635-9630
Etobicoke	
Women's Habitant of Etobicoke	(416) 252-5829

NAME	TELEPHONE
Metro Toronto	
Anduhyaun Residence Inc.	(416) 920-1492
Assaulted Women's Helpline	(416) 863-0511
Interval House	(416) 924-1491
Shirley Samaroo House	(416) 249-4364
Women in Transition Inc.	(416) 967-5227
Mississauga	
Interim Place	(416) 271-1860
Rexdale	
Ernestine's Women's Shelter	(416) 746-3701
Scarborough	
Emily Stowe Shelter for Women	(416) 264-4357

TREATMENT PROGRAMS FOR MEN WHO BATTER

NAME	TELEPHONE
Cambridge	
The Men's Group	(519) 621-5090
Chatham	
Task Force on Family Violence	(519) 351-9144
Clinton	
Group Delta Against Family Violence	(519) 482-3933
Eganville	
Men's Project	(613) 628-2523
Guelph	
Family Violence Treatment Program	(519) 824-2431
London	
Changing Ways	(519) 438-9869
Napean	
Options	(613) 224-9458
Ottawa	
New Directions	(613) 820-4922
Peterborough	
John Howard Society	(705) 743-8331 (705) 743-8471
St. Catharines	
Design for a New Tomorrow	(416) 684-1223 (416) 684-0644
Sarnia	
Commitment to Change	(519) 336-0120
Sault Ste. Marie	
Therapy Group for Violent Men	(705) 256-5561
Sudbury	
Reflections	(705) 674-3794
Windsor	
Hiatus House-Fresh Start	(519) 252-4409
TORONTO AREA	
Islington	
Anger Management Family Services	(416) 622-3133
Willowdale	
Group for Male Batterers	(416) 225-1166
Metro Toronto	
Options	(416) 979-2221
Options-Catholic Family Services	(416) 362-2481
Focus	(416) 947-8664 (days) (416) 923-5266 (evgs)

Ontario

Hon. Ian Scott,
Attorney General and
Minister Responsible
for Women's Issues

Ontario
Women's
Directorate

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Toronto, Ontario
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20M/04/87

DISABLED?
SEXUALLY ASSAULTED?
NEED HELP?

This brochure was produced by:
The DisAbled Women's Network Toronto

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122 Galt Avenue
Toronto, Ontario
M4M 2Z3

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1 IN 4 DISABLED WOMEN HAVE BEEN ASSAULTED

This is a painful secret. Rarely do disabled women report assault.

WHY DON'T WE TELL SOMEONE?

* we are afraid we will be blamed for sexual assault.
* we are afraid no one will believe us.
* we are afraid that if family and friends know we have been sexually assaulted, they will take away our freedom. We may be pushed back into an institution. People may try to protect us by limiting our activities.
* we don't know who to turn to for help. We don't know if we can get in to the sexual assault clinics. Women's crisis lines do not have telecommunication devices for the deaf (TDDs). There is almost no information on sexual assault in braille or on tape. Many disabled women do not know services for victims of violence exist. We feel afraid, violated and alone.

YOU ARE NOT TO BLAME

Women used to be seen as property. They belonged to their fathers or their husbands. Some men still think this way. They think disabled women cannot be wives, mothers or workers. They see us as either sexless or sexually

loose. They think we are easy prey.

They think deaf women cannot tell on them. They think blind women can not identify them. They think women who use wheelchairs or canes cannot get away. They think developmentally disabled women don't know what's going on. They assault us because it makes them feel powerful. They assault us because they think they can get away with it. They assault us because we are women.

SEXUAL ASSAULT IS A CRIME

Sexual assault is any form of sexual activity with a women without her consent. It a women says *"no"*, she means *"no"*!

ANY WOMEN CAN BE SEXUALLY ASSAULTED

Sexual assault robs us of control of our lives. It takes away our safety. It may make our disabilities worse. Sexual; assault hurts all women.

We need support. We need to talk. We need to be heard. We need to be believed.

NO ONE HAS THE RIGHT TO FORCE SEX ON US

There are also ***Sexual Assault Care Centres*** in Mississauga and Durham Region and throughout the Province of Ontario.

You may wish to report your assault to the police.

THE METROPOLITAN TORONTO POLICE DEPARTMENT

The police in Toronto have two telephone numbers with telecommunications devices for the deaf.

The non-emergency number is **922-1333**

THE POLICE EMERGENCY NUMBER IS 911
After three rings your call will automatically be patched into the T.T.Y.

They have 18 American Sign Language users on staff and training to help a hearing impaired person as well as people with other disabilities. Someone will always be available to help you anytime of the day or night, seven days a week.
The new headquarters downtown is wheelchair accessible. So is 31 Division. As the others stations are renovated, they will be made as accessible as possible.

REMEBER YOU ARE NOT ALONE

How To Prevent Sexual Assault

* know that ***ANY WOMEN*** can be sexually assaulted.
* our attacker is usually someone we know. He is often a neighbor, friend or family member. He can be a co-worker, a date, an attendant, or anyone.
* take a ***SELF DEFENSE*** course. Disabled women have fought back successfully.
* ***FIND OUT MORE*** about sexual assault and why it happens.
* join ***DAWN TORONTO***. Get support from other disabled women.
* ask the ***GOVERNMENT*** for services for disabled women who have been assaulted. Tell them we need barrier free women's services.
* ***HELP SERVICES*** for victims of violence. Give money if you can. Give time. They need your help.
* ***PROTEST***. Speak out. Do not sit still when someone says something untrue or jokes about sexual assault. Join a women's group.

JOIN WITH OTHERS TO STOP SEXUAL ASSAULT NOW

What Do I Do If I Have Been Sexually Assaulted?

Tell someone you trust.

Call The Toronto Rape Crisis Centre

597-8808

You can call them any time day or night. They are open seven days a week. They will talk to you right away. They can go with you to the hospital, police and court. They will give you information. They will tell you how to get other help.

Their first floor is wheelchair accessible, but their washroom is not. American Sign Language Counselling (A.S.L.) is available on request. Information is available on audio tape. they have access to an RFB reading machine. Staff are trained in helping disabled women.

CALL THE BARBRA SCHLIFER COMMEMORATIVE CLINIC

964-3855

It is open from 9 to 5, Monday to Friday. It is also open on Monday and Thursday evenings until 9 p.m. They offer counselling, information and referrals. They can give you legal advice. They have a steep ramp, but they will assist someone in a wheelchair up it. Their washroom cannot be used by someone in a wheelchair. ASL counselling is available on request.

GET MEDICAL HELP

You are important. Your health is important. Even if you do not want to lay charges, see a doctor. Ask for pregnancy and VD testing.

Sexual Assault Care Centres (S.A.C.C.)

Women's College Hospital.....323-6040
Scarborough Grace Hospital 495-2555
Mississauga Hospital 848-7493
Whitby General Hospital.....1-800-263-2701
Local.....668-6831 or 668-3050

IF YOU LIVE DOWNTON CALL THE SEXUAL ASSAULT CARE CENTRE

323-6040

It is at the Women's College Hospital Emergency Department. Ask for the Sexual Assault Care Centre. It is open 24 hours a day, seven days a week. The doctors, nurses and counsellors are especially trained to help you. They have crisis counselling. They give you information. They will collect evidence if you choose to report the assault to the police. The S.A.C.C. has follow-up services.

The S.A.C.C. is wheelchair accessible. The washroom is also wheelchair accessible. ASL interpreting is available upon request. The staff have experience in dealing with disabled victims of sexual assault.

IF YOU LIVE IN THE NORTH OR EAST OF TORONTO CALL THE SEXUAL ASSAULT CARE CENTRE AT *SCARBOROUGH GRACE HOSPITAL*

495-2555

NOTES

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CLIP 'N SAVE this Emergency Telephone Directory $

SEXUAL ASSAULT EMERGENCY NUMBERS

The Toronto
Rape Crisis Centre 597-8808
The Barbra Schlifer
Commemorative Clinic 964-3855
The Sexual Assault
Care Centres

Downtown 323-6040
North and East.....495-2555
Mississauga Hospital 848-7493

If you live in Durham Region

Whitby General Hospital 668-6831
Oshawa/Whitby 668-3050
or Toll Free 1-800-263-2701

RAPE

toronto
rape
crisis
centre

P.O. Box 6597
Station A
Toronto, Ontario
M5W 1X4

597-1171 597-8808
Office: ~~964-7477~~ • Crisis Line. ~~964-8080~~

Charitable Donation No. 0439018-09-13

RAPE: What every woman should know

While the reported incidence of rape is on the rise in most Canadian cities, rape is still one of our most unreported crimes. Up to 90% of rapes are never reported. A primary reason for this is that the woman who has been raped is more severely censured by society than the rapist. This censure is the product of many years of ignorance, misinformation and myths about rape.

The Legal Definition of Rape

The definition of Rape and Indecent Assault have been replaced by three levels of Assault as follows:

a) sexual assault
b) sexual assault causing bodily harm
c) aggravated sexual assault

A man can now be convicted of sexually assaulting his wife.

For actual wording of the "NEW LAW", see Criminal Code Sections 244, 245, 246.

What to do if you are raped

Call the RAPE CRISIS CENTRE. We are prepared to help in any way we can. Most of all, we offer sympathetic, non-judgemental support.

Services Available

24 hour, seven days a week open telephone line. There is someone to talk to, someone who understands what has happened and can help.

Accompaniment

- to hospital, police, court

Counselling

- for the woman
- for family
- self-help groups

Referrals

- to legal counsellors, abortion and birth control clinics, VD clinics, medical clinics, emergency housing, self-defense courses, and other women's groups.

What Happens When You Report a Rape to the Police?

- brief statement to officers who initially respond to the call
- medical tests for evidence and medical treatment of any injuries at a hospital emergency department
- interrogation by police detectives who will handle the investigation
- further investigative steps done at another time, depending on the individual situation, i.e.:

  a) looking at mugshots
  b) assisting with composite drawings from your description of rapist
  c) cruising vicinity where rape occured with police
  d) identifying assailant in a line-up
  e) arrest made
  f) preliminary hearing
  g) trial

Other actions you can take

Criminal Injuries Compensation

Money is rewarded for injuries resulting in time lost at work, medical treatment, pain and suffering. (You must have proof of these -- medical records, receipts). Although reporting to the police is a requirement, an arrest or conviction is not necessary. Applications should be made as soon as possible. Your application will be considered up to one year after the attack.

Anonymous Third Party Reports

If you decide not to report the rape yourself, the RAPE CRISIS CENTRE can file an anonymous report to the police; however, the information may be of assistance in the investigation of other rape charges

Additional services offered by the RAPE CRISIS CENTRE

- Public speaking
- Library of books, articles, periodicals
- Monthly student workshops
- Ongoing production of pamphlets, handbooks and articles
- Media involvement in response to issues concerning women
- Working with women in other areas, including: support for mentally retarded women; advocates for women in psychiatric care; support for women beaten in the home; activity surrounding sexual harrassment on the job
- Training of volunteers

Prevention

Much of the advice to women concerns don'ts – don't hitchhike, don't go out at night, don't talk to strange men, don't go to parties or bars alone, etc. This is wrong. It merely perpetuates the idea of women as passive, frightened creatures with no control over what happens to them. While these are personal decisions we may or may not want to make, they are not ways to prevent rape.

- realize that any woman can be raped
- be prepared - take a self-defense course
- understand what rape is and why it happens
- talk to other women about rape
- make it an issue with our Federal Government
- lobby for reforms in rape laws
- protest
- support your local rape crisis centre with a donation of money or supplies (a receipt for Income Tax purposes will be forwarded to you)

What are the myths about rape?

Myths are based on mistaken assumptions and erroneous information, but they are extremely powerful, affecting society's beliefs, attitudes, and actions. The following are those concerning the woman, the rapist, and the rape itself.

Everyone believes or thinks they know something about rape:

- a stranger with a knife
- a young, attractive woman
- a bar, a dark alley
- all rapists are sick
- women lead men on
- men cannot control their sexual urges
- a woman who doesn't want to be raped cannot be raped

These are myths. There is some truth in some of them for some individual rape situations. But they cannot be seen as facts about rape.

The Rapist

MYTH: **THE RAPIST IS A STRANGER**

This may be true, but, in over half of rapes committed the man is known to the woman who has been raped. The rapist may be a neighbour, a colleague at school or work, a nodding acquaintance, a "friend of a friend".

MYTH: **THE RAPIST IS ACTING ON AN UNCONTROLLABLE SEXUAL IMPULSE**

The basis of this myth is that men cannot control their sexual impulse, an idea which we know to be erroneous. Men can control their sexual desires. Furthermore, most rapes are not acts of "impulse", but are pre-meditated (58% of single one man, one woman rapes, 83% of rapes involving two men, 90% of rapes committed by three or more men are pre-meditated.

MYTH: **A RAPIST IS MENTALLY ILL AND EASILY RECOGNIZED**

Like most people, rapists have hang-ups but these do [illegible] man on the street. In most cases, rape is not a product of mental illness. He could be the man across the hall, the stranger in the elevator. No physical characteristics will identify him as a rapist.

The Rape

MYTH: **RAPE IS AN ACT MOTIVATED BY SEXUAL DESIRE**

No. Rape is an act of violence and aggression, domination and humiliation. Sex is merely the means of assault. Rape is based on a desire to degrade and control a woman by forcing her to perform sexual acts against her will.

MYTH: **RAPE HAPPENS IN A DARK ALLEY**

Half of all rapes occur in a home. A rapist may break into a woman's home or she may open the door to a friend, a neighbour, a serviceman. A woman may go home with a man after a date, after work, etc. Rape also occurs in situations that seem more dangerous, like underground garages, or lonely streets.

MYTH: **A HEALTHY WOMAN CANNOT BE RAPED BY ONE MAN**

Women in our society are brought to be passive. They are not taught to use their bodies defensively. By habit and/or conditioning, they may hesitate to be impolite or make a scene until the situation has become dangerous. Rape may be achieved by overt threat – a weapon at her throat or physical abuse. Or the threat may be verbal – "cooperate or else . . . ". In fear for her life, a woman "submits" – but this does not mean she consents.

The Woman Who Has Been Raped

MYTH: **ONLY CERTAIN KINDS OF WOMEN GET RAPED**

We have all heard statements like "nice girls don't get raped" and "only young, attractive women get raped". Both statements are false as are others attempting to put women who have been raped in one category or another. Rape can happen to any woman – regardless of her age, physical appearance, character, lifestyle, ethnic origin or place of residence.

MYTH: **WOMEN FREQUENTLY CRY "RAPE" FALSELY FOR REASONS OF REVENGE, PREGNANCY, ETC.**

People focus on the idea of an innocent man being imprisoned for rape by a vindictive woman. However, this is not borne out by the facts. False accusations of rape occur rarely, no more than false accusations of other crimes.

MYTH: **WOMEN WHO ARE RAPED WILL BE HYSTERICAL**

Rape is always traumatic – this is true regardless of the reactions of the woman who has been raped. People behave differently in a crisis. In the same way, women who have been raped show a variety of reactions – eg. hysterical crying, shocked apathy, calm "coping" behaviour. If a woman is controlled and outwardly calm, it does not mean she wasn't raped.

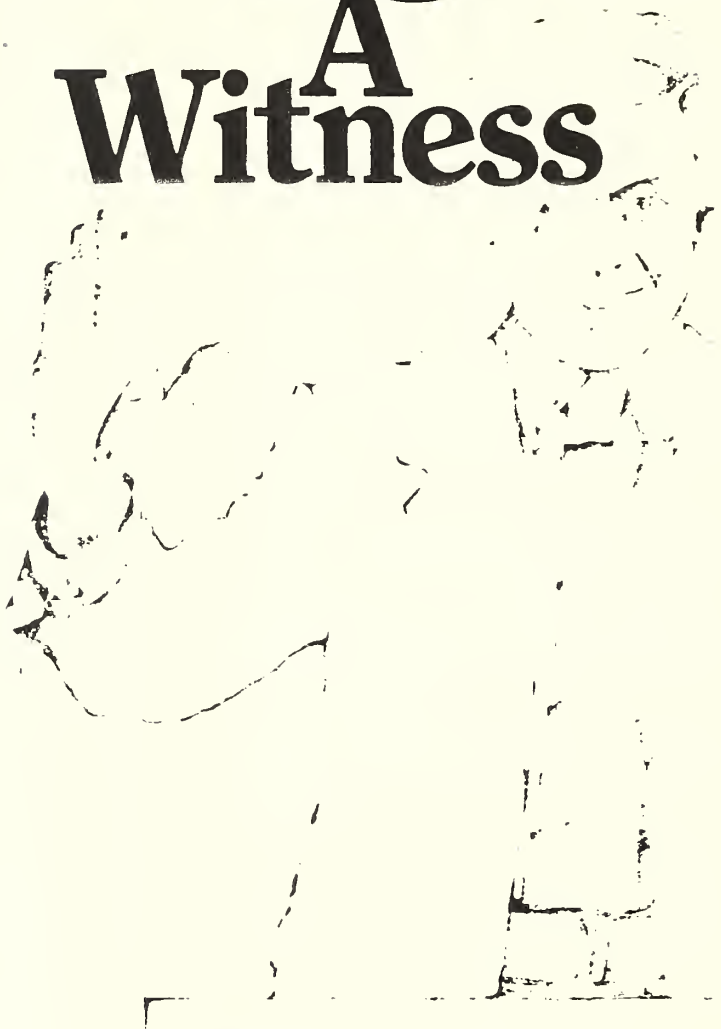
MYTH: **A WOMAN WHO HAS BEEN RAPED WILL BE BATTERED AND BRUISED**

Lack of bruises or broken ones does not mean a woman has not been raped. Often threats of violence, rather than actual violence, are enough to cause a woman to "freeze" in a rape situation.

MYTH: **WOMEN "LEAD MEN ON" OR "ASK FOR IT" BY THEIR STYLE OF DRESS OR THEIR BEHAVIOUR**

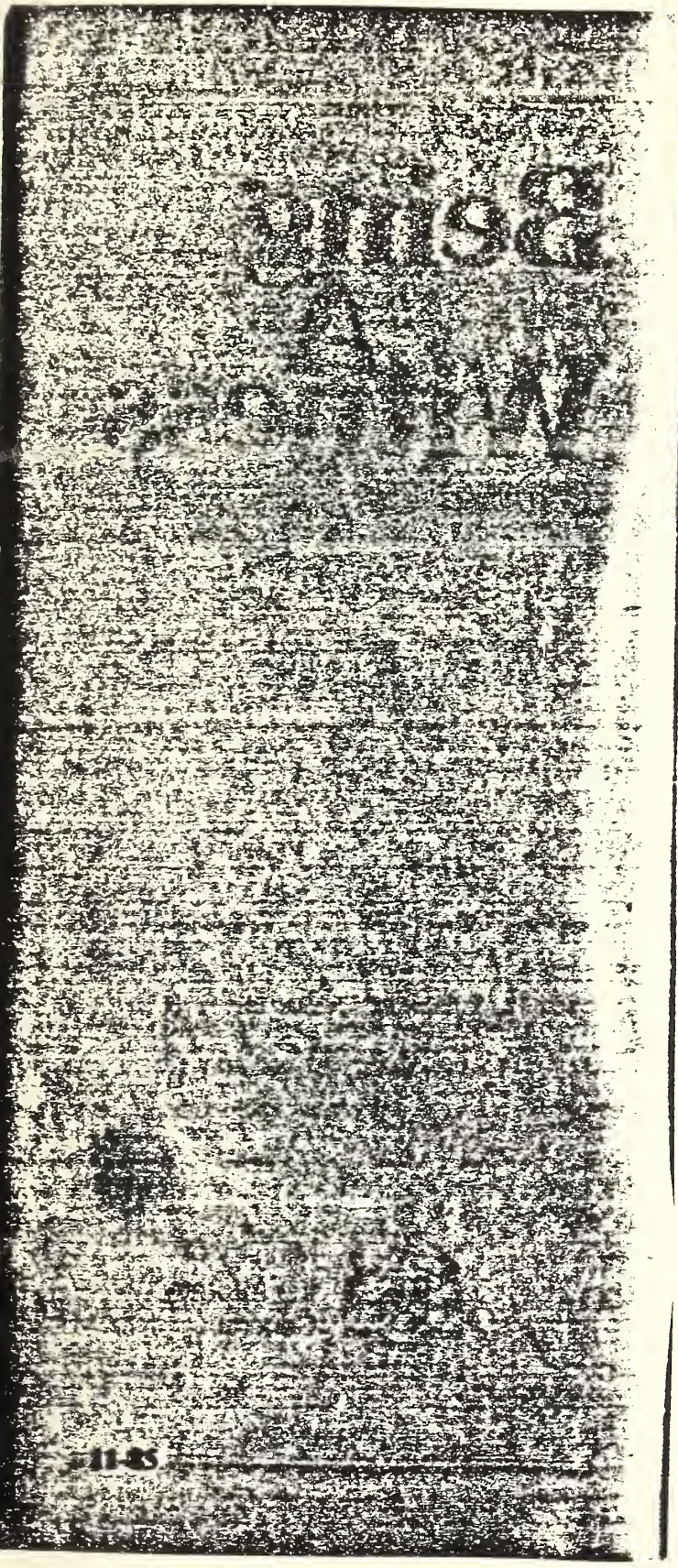
This myth is perhaps the most devastating of all the lies at the crux of many rapes and is the reason so few rapists are found guilty. It expresses a belief that a woman does not have the right to self determination: that she loses her fundamental right to say "no" to sexual intercourse by dressing or conducting herself in a manner which offends some people's moral code. But even here much hypocrisy exists. What has been formerly deemed an attractive manner of dress, may suddenly be designated "provocative" clothing when worn by a woman who has been raped. What might be otherwise described as friendly behaviour is construed as "leading a man on" when the woman who has been raped goes for a drink with a man and then is raped afterward. Often perfectly acceptable behaviour by women becomes an act of immorality if she is raped. Women are usually judged as "asking for it" Rapists hear a clearly spoken "no" as an invitation to use force.

Being A Witness



Ontario

Ministry of
the Attorney
General



Preface

Being called as a witness in a criminal court trial gives you an important responsibility.

The testimony of witnesses is the major source of information for the courts. It forms the basis for legal decisions affecting the lives, property and freedom of our fellow citizens.

Court procedure, however, may confuse or overwhelm people unfamiliar with our system of justice.

That is why this pamphlet seeks to clarify the court system. It sets out both the rights and duties of a witness. It will give you the answers on everything from what to wear to what to expect in the courtroom.

But, remember, the information given here is only for your general guidance. In the courtroom, you must follow the judge's instructions. It is the judge alone who will decide what type of evidence you can or cannot give.

The participation of witnesses is crucial to the administration of justice in Ontario.

Participants at Trials

The judge presiding in the courtroom will be assisted by a number of officials. One is the court clerk who keeps a record of trial exhibits, administers oaths, brings the court to order and announces that court is either in session or recessed. Another official is the court reporter who records everything that is said at the trial.

In addition, each party at the trial is usually represented by a lawyer referred to in the courtroom as "counsel". In criminal cases, which are the concern of this booklet, the counsel for the prosecution - representing the Queen - is called the Crown Attorney. It is the Crown Attorney's role to put before the court all evidence relevant to the case. The counsel for the accused is referred to as the defence counsel. It is the defence counsel's role to advance any defences and protect the rights of his client, the accused.

Criminal Trial Process

The type of criminal trial you will attend as a witness is determined by the offence charged. Serious offences, such as murder, kidnapping, assault causing bodily harm, fraud or theft of goods worth more than $200, and breaking and entering, are called "indictable offences". The accused may choose to have these tried by a District Court judge or by a Supreme Court judge after a preliminary inquiry in Provincial Court. These cases may be conducted before a judge and jury.

Less serious offences - such as shoplifting and some traffic violations - are called "summary conviction offences". Usually, these can be dealt with easily and rapidly before a Provincial Court judge or a justice of the peace. For the witness, this means that only one court appearance will be necessary in most cases.

Preliminary Inquiry

For most indictable offences, the accused person has the right to choose the form of trial. If trial by judge or trial by both judge and jury is chosen, a preliminary inquiry will be held in the Provincial Court. At this inquiry, the evidence of some witnesses is heard to determine if the Crown has presented enough evidence to warrant a full trial at a later date. If the judge decides there is not sufficient evidence to put the accused on trial, the case stops and there is usually no need for the witnesses to appear in court again.

Since the Crown is not required to present its entire case at a preliminary inquiry, not all Crown witnesses may be asked to attend at this stage. The defence also may choose not to call all its witnesses. Witnesses will be re-subpoenaed if a trial date is set and must return to court on that date.

Be certain to notify the investigating police officer or trial lawyer of any change of address to ensure proper delivery of the subpoena.

Subpoena

A subpoena is a court order requiring a person to appear in court at a specified time to give evidence either for the Crown or the defence.

A person served with a subpoena must attend court on the specified date, bring along any related materials requested in the subpoena, and remain until the case is over unless he or she is allowed by the judge to leave.

Anyone failing to obey a subpoena may be found guilty of contempt of court, a criminal offence, and could be subject to a fine or imprisonment.

On receiving a subpoena, witnesses should be prepared for a trial lasting more than one day. The judge or counsel will advise you at the end of each day whether it will be necessary for you to return to court. While some appearances may be limited to one day, a trial can be put over to days, weeks or even months in the future to allow for the collection of additional evidence. Although you receive only one subpoena, it remains in effect for the entire trial and requires your attendance in court whenever necessary.

If you are subpoenaed by the Crown and later contacted by defence counsel, or vice versa, you are free to relate your observations to that second counsel, although you are under no legal obligation to do so. If you have concerns about questions being asked you, consult the investigating police officer, Crown Attorney or the lawyer who has requested your presence in court.

You have the right to a lawyer although

usually it is not necessary. Consult the Crown Attorney or the lawyer requesting your presence about any legal problems which may concern you.

Court Procedure

At the trial's opening, the judge will often make an order of "Exclusion of Witnesses" requesting all witnesses to leave the courtroom. This is done so that each witness gives testimony based solely on his or her observations, without the influence of the recollections of other witnesses.

After the order is made, you will leave and wait outside the court until your name is called. Upon returning to the courtroom, you will be directed to the witness stand and asked to take an oath.

Oath

Evidence in court is based on sworn testimony. Most witnesses swear to the

truth of their evidence on a Bible. If you follow a religion which does not use the Bible or if you prefer not to swear by it, the law allows you to solemnly affirm the truth of what you are about to say or to take an oath in some other form that is recognized according to your beliefs. If you wish to take an alternate form of oath, contact the clerk of the court a few days before your appearance.

This is the most common oath: "Do you swear that the evidence you are about to give the court in this case shall be the truth, the whole truth, and nothing but the truth, so help you God?"

Court Protocol

Witnesses should be as clear as possible when testifying. Avoid phrases such as "I think" or "I guess" as they can be misleading. If you are certain something occurred, make that clear. On the other hand, if you are not sure, say so.

If you do not understand a question, ask for it to be repeated. It is important you understand all questions.

Direct your answers to the person posing the question unless directed otherwise by the judge.

Stand up when the judge or justice of the peace enters or leaves the court. When giving evidence, refer to the justice of the peace in Provincial Offences Court as "Your Worship". In Provincial Court and in District Court refer to the judge as "Your Honour". In the Supreme Court refer to the judge as "My Lord" or "My Lady".

Speak more loudly than you would in normal conversation. There may be a microphone in front of the witness box but it may only record what is said and not amplify your voice.

Interpreters are available for those who need them. If you need an interpreter, contact the court clerk before the date of the trial so the interpreter can be arranged.

If you do not wish to give your address in open court, advise the judge of this when asked.

Generally, witnesses may use notes to refresh their memories but the judge may not want you to read directly from those notes when giving evidence.

Any person is entitled to observe a trial in open court. As a witness, you may stay in court after you have given evidence, unless you've been instructed by the judge to leave. If in doubt, ask a court official whether you may stay.

At no time should witnesses discuss their testimony or evidence with another witness.

Talking, eating or chewing gum in the courtroom is forbidden.

Your Testimony

Prior to giving your testimony, think carefully about your involvement in the matter before the court. Review the sequence of events and try to remember particulars such as the exact wording of conversations or, where that is not possible, the gist of the conversation as well as distances, speeds, colors, the number of persons present, and all other relevant facts.

Take your time. There is no need to feel pressured. Remember, the judge is there to prevent anyone from badgering you or from leading you into saying something you really don't mean.

While it is important you tell the facts you know about the case, the manner in which you present them also can have a bearing. The evidence of a witness who appears frank and sincere can carry

considerably more weight than the evidence of a witness who appears biased, hesitant or evasive.

Do not ramble. Stick to the facts, answer the question being asked and do not volunteer unneccessary or irrelevant information.

If you are a witness for the Crown, the Crown counsel will begin the questioning. This called "examination in chief". If the judge has no questions, the defence counsel will then begin the "cross-examination".

Don't hesitate to add new facts if they occur to you, whether it is during the initial questioning or the cross examination. Lawyers tend to be aggressive during cross examination if they are trying to raise doubts about the credibility of a witness. Bear with it and answer the questions to the best of your ability, even if it means you must repeat answers several times.

At some point you may be asked to step down from the witness box and leave the court room so that counsel can make legal submissions to the judge. When you return to the stand you are still under oath.

Throughout the trial, the judge is the final authority on what evidence is admissible and what questions witnesses are required to answer. If there is doubt, the judge may conduct a "voir dire", a hearing in which the judge will hear the evidence in question. If it is a jury trial, the jurors will leave the courtroom while the judge alone hears the evidence in question. If the judge decides the evidence is admissible, it will be repeated for the jury after they return to the courtroom. If the judge decides against allowing the evidence to be heard, the trial will continue without the jury hearing the evidence.

Perjury and Obstructing Justice

Any witness, who knowingly gives false evidence while testifying under oath, commits perjury - a criminal offence which could make that witness liable to imprisonment for up to 14 years. A witness who deliberately misleads the court also is open to prosecution.

Similarly, if a witness fabricates any evidence with the intention of it being used in a judicial proceeding, that witness may be charged with obstructing justice which is also a criminal offence.

Self-Incrimination

If you are worried about the possibility of your testimony being used against you in another case, consult your own lawyer or the lawyer who subpoenaed you to testify. The Charter of Rights automatically protects a person in such cases unless the person commits perjury or gives contradictory evidence.

Harassments or Threats

Any witness who receives threats in connection with the case should contact the police immediately. If possible, call the officer in charge of the case.

Similarly, any harassment in the waiting area of the court from witnesses or other people should be reported immediately to the officer in charge of the waiting area.

It is important for the investigating officer to be made aware of any threats or harassments as it could affect the case.

What Should I Wear?

While there are no specific requirements, witnesses are advised to dress in clean, neat clothing.

What Should I Bring?

Waiting may be unavoidable in many cases. If subpoenaed, you will be assigned a time to appear at court but witnesses are advised to bring books, knitting, anything to help pass the time. These activities, of course, should be restricted to the waiting area.

Also, be prepared for a wait through mealtimes. Bring either some food or money for a meal or snacks.

If you wish, a friend or family member may accompany you to court but you ought to avoid discussing your evidence with such a person.

In addition, check parking facilities prior to arriving at court and remember that you probably will have to pay for parking.

Make sure you bring with you any

notes, receipts, insurance claims, etc., pertaining to your involvement in the case.

Fees

If you have been subpoenaed to testify in court, you will be paid at a fixed daily rate, plus mileage if you are coming from out of town.

You are paid for attending court whether or not you testify, so it is wise to notify the court staff when you arrive.

The defence counsel's office will arrange for payment of witnesses it called. If you are a Crown witness in Provincial Court, the officer in charge of the case will provide a list of witnesses and numbers of appearances to the court clerk's office and you will be paid through that office. Ensure that the court clerk has your correct address because fees are often mailed.

If you are testifying in Supreme or in District Court, the Crown Attorney's office will keep a record and send it to the sherriff's office at the end of the trial. You will be paid by cheque, usually by mail.

If you cannot afford to get to court, contact the police or the counsel calling you as witness to get an advance or to make travel arrangements for you.

The Last Word

The participation of witnesses in court is crucial to the administration of justice. If you have questions, don't hesitate to ask officials of the court for answers. They are there to help you.

Assurez-vous que vous avez apporté toutes les notes, reçus, réclamations d'assurance, etc., se rapportant à l'affaire.

Indemnités

Si vous avez été cité à comparaître devant la cour, vous recevrez une indemnité journalière fixe, plus une indemnité de déplacement si vous venez d'une autre localité.

Vous serez indemnisé que vous ayez témoigné ou non, il est donc conseillé de faire part de votre présence au personnel de la cour lorsque vous arrivez.

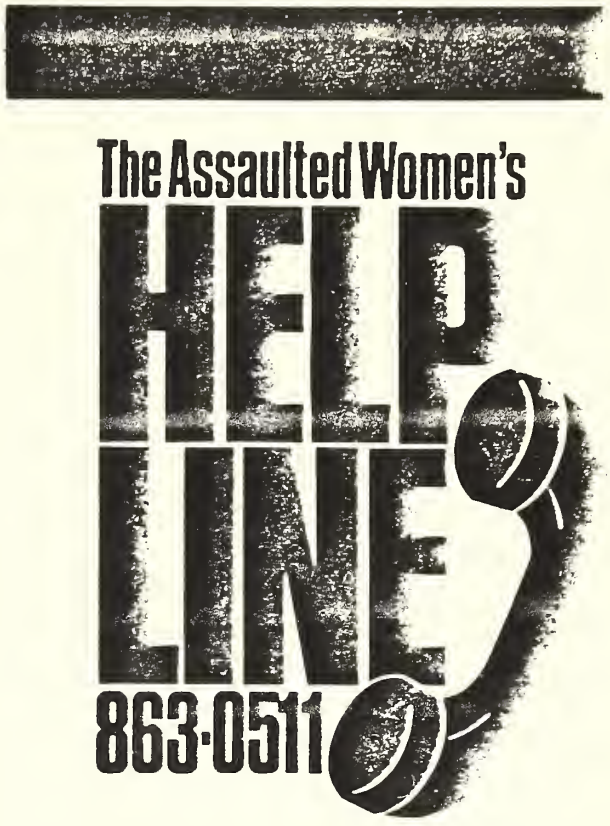
Le bureau de l'avocat de la défense se charge de prendre les dispositions nécessaires pour indemniser ses témoins. Si vous êtes témoin de l'accusation devant une cour provinciale, l'agent responsable de l'affaire fournit une liste des témoins et le nombre des comparutions au bureau du greffier qui se charge de vous indemniser. Assurez-vous que le greffier a votre adresse correcte, les indemnités étant souvent payées par la poste.

Si vous témoignez devant la Cour suprême ou devant une cour de district, le bureau du procureur tient une liste qu'il fait parvenir au bureau du shériff à la fin du procès. Vous serez alors payé par chèque, d'ordinaire par la poste.

Si vous ne pouvez pas payer les frais de déplacement pour vous rendre en cour, contactez la police ou l'avocat qui vous a cité pour obtenir une avance ou prendre des dispositions pour votre transport.

Un dernier mot

La participation des témoins à la cour est essentielle à l'administration de la justice. Si vous avez des questions à poser, n'hésitez pas à interroger les agents de la cour; ils sont là pour vous aider.



24 Hour Helpline in Metro Toronto Area

BREAK THE SILENCE

Are you living with violence?

If you are being assaulted by your partner in your own home, we can help you. Call our number day or night, and talk to one of our counsellors. We can give you emotional support, as well as information about emergency shelters, legal services, counselling and other community services.

You are not alone

Many women are physically and emotionally abused in their own homes. But they are often too afraid or embarrassed to ask for help. Our counsellors have helped hundreds of assaulted women get the information they need to make their own decisions.

You have the right not to be beaten

Anyone who lifts a hand against you, even your partner, even in the privacy of your own home, is committing a crime. We can tell you about how to obtain supportive, sympathetic legal services.

Children are affected by violence

Violence in the home can hurt children, even if they themselves are not being beaten. It's difficult to know what to do, for yourself and your children. We can help you examine all your options, so that you can decide what's best for you and your family.

Breaking the silence

One in ten Canadian women are beaten or emotionally and sexually abused by their partner each year. They come from every class, culture and ethnic background. It's rarely an isolated incident, and the beatings usually increase in severity as time goes on. In some cases there is permanent damage, or death.

Until recently, wife battering was a silent crime – women were too afraid or embarrassed to get help, or they had no one to turn to. Today there is a range of services available – from counselling to emergency shelters to legal assistance. For many women, calling the Assaulted Women's Help Line is the first step to breaking the silence.

The Assaulted Women's

HELP LINE

863-0511

24 Hour Helpline in
tro Toronto Area

The Assaulted Women's Helpline has services available in Italian, Spanish and Vietnamese from Monday to Friday, 9 am – 5 pm.

Numero telefonico aiuto urgente donne aggredite dal lunedi al venerdi dalle nove alle cinque. Servizio in italiano, spagnoulo, vietnamese.

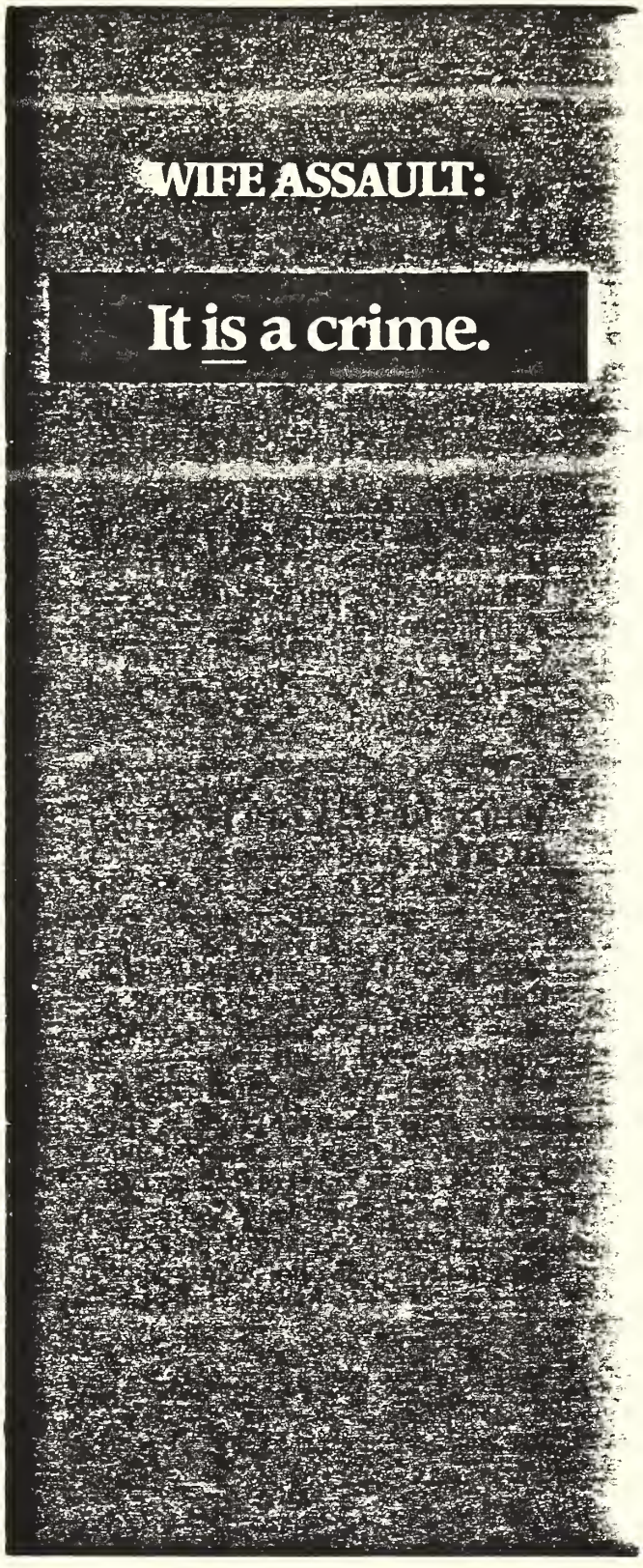
Linea telefónica de emergencia para mujeres golpeadas de lunes a viernes de las nueve de la mañana a las cinco de la tarde. Servicio disponible en italiano, español, y vietnamés.

Tin tức cần thiết cho phụ nữ bị hành hung đuợc cung cấp tử thủ hai đến thứ sáu, 9 am-5 pm, bằng tiếng Việt, Tây Ban Nha và Ý.

The Assaulted Women's Helpline is jointly operated by:

- Community Information Centre of Metropolitan Toronto
- Distress Centre Incorporated
- Emily Stowe Shelter for Women
- Ernestine's Women's Shelter
- Interim Place
- Interval House
- Nellie's Hostel
- Women in Transition Inc.
- Women's Habitat of Etobicoke

Funding is provided by The Ontario Ministry of Community and Social Services.


WIFE ASSAULT:
It is a crime.

WIFE ASSAULT CONCERNS US ALL . . .

Behind closed doors in Ontario, a crime is being committed. One woman in ten is being slapped, pushed, punched, scratched, kicked, bitten or threatened by her husband or partner. This is called wife assault. It's happening in rich and poor families, families from every cultural and educational background. Because wife assault usually happens at home, people tend to think of it as a family affair. But wife assault is *not* a private matter. Assault is a *crime,* whether it happens on the street or in the home. As a community, we should all be concerned.

WHO'S REALLY GETTING HURT?

Women

Many women live in constant fear for their lives. Frequently they require medical attention. Sometimes their injuries result in death.

With some, the emotional damage strikes deeper than the physical. They feel ashamed and alone, trapped and helpless. These kinds of feelings can lead to medical problems. Some women become severely depressed. Others develop alcohol or drug dependencies. Some become suicidal.

Children

The lives of children can be profoundly damaged by parental violence. Seeing their mother slapped or belittled makes children feel guilty, frightened and confused. Many develop emotional and behavioural problems. They lose trust in people. Their schoolwork suffers. Often they get into trouble with the law. Children can become withdrawn and passive, or disobedient, destructive and aggressive.

Because children learn from their parents, many grow up to become batterers or victims themselves.

Men

Abusive men are also hurt by their own behaviour. Family life is important to most of them. Yet their continued violence can break up the home and cause them to lose what they value most: their families.

Men who batter may also be convicted of committing a criminal offence. As a result, they will be subject to an appropriate penalty.

Society

Society as a whole is damaged by wife assault because:
- wife assault undermines families and, if the violence continues, may result in family breakup;
- wife assault is a leading cause of homicide in this country;
- wife assault tends to continue from one generation to the next. Seventy-five per cent of men who assault their wives witnessed their own fathers assaulting their mothers;
- wife assault is strongly linked to juvenile delinquency and adult criminality.

WIFE ASSAULT IS A CRIME

To harm or threaten to harm another person is against the law. Harming a wife or partner is just as much a crime as harming a stranger.

When police in Ontario have reason to believe a crime has been committed, they will lay charges. This means it is not the responsibility of the victim to lay charges but the *duty of the police.*

Once police lay a charge it cannot be withdrawn, except by a crown attorney in court.

WHAT HAPPENS WHEN CHARGES ARE LAID?

When charges are laid against a man who assaults, he is made accountable for his actions. Recent studies show that *laying charges reduces, and in many cases, stops the violence.*

The penalty for assault, if it's a first conviction, will normally be a fine or a probation order. Counselling to help the batterer change his behaviour can be imposed as a condition of probation. A victim who feels that counselling, or some other probation requirement, would be advisable should inform the crown attorney.

If the assault results in severe injury, or if the violence continues and a batterer returns to court on a similar charge, he may be sent to jail.

Help for assaulted women

A woman who has been assaulted by her husband or partner should know:
- help is available. In an emergency she should call the police. For other crisis assistance, she can call a women's shelter, a counselling agency or distress line, or her own doctor;
- she has the right to expert legal advice. If she can't afford a lawyer she can still get legal help by applying for legal aid. Legal aid offices can be found in the white pages of the phone book under Legal Aid;
- leaving her home because of violence will not be seen as desertion. She does not lose any of her rights to custody of the children or to her home and property, and she may be given priority for subsidized housing.

An assaulted immigrant woman should know:

- she has the right to the same help and services as all women.
- she will not be deported if she leaves her husband because of his violence, even if he sponsored her.
- her husband or partner will not be subject to deportation for domestic violence, unless his acts are extremely violent and result in a criminal conviction with a severe penalty.

Help for the man who batters

The man who batters his wife or partner should not wait until he is arrested to get help. In most cases, battering is behaviour a man learns, usually while still a child. He can change that behaviour. He should take responsibility for his actions and seek counselling. The best way to start is through his family doctor or through a social service agency.

HOW CAN I HELP?

You may know a woman in an abusive situation. She may be a relative, a fellow-worker, a friend or a neighbour. Talk to her. Tell her that it is dangerous to do nothing about violence. For her own safety and the safety of her children she should seek advice. Remind her that doctors, police officers, shelter workers, and other professionals are there to help.

If you see or hear a situation in the home of a friend or neighbour where a woman is being assaulted, don't ignore it. She is the victim of a crime. You can call the police.

If you know an abusive man, tell him that he is responsible for his own actions. Only *he* can change his behaviour. Without this change he risks losing his family, his good name, perhaps even his freedom. Counselling can help.

Children from violent homes need to know they are not to blame for the violence. Parents may not understand how much the violence is damaging their children. Encourage violent parents first of all to change their behaviour, and also to get help for their children if they need it.

Remember, closed doors haven't kept this problem from spreading. As long as we treat it as a family affair, wife assault will continue. By seeing it for what it is – a crime – we take responsibility as a community for stopping the violence.

Wife assault: It is a crime!!

For emergency assistance or referral, see your local telephone directory under *Wife Assault Helpline.*

For general information on the issue of wife assault, contact:

Wife Assault
Ontario Women's Directorate
Queen's Park
Toronto, Ontario
M7A 1C2

THE METROPOLITAN TORONTO SPECIAL COMMITTEE ON Child Abuse

THE CHILD VICTIM-WITNESS SUPPORT PROJECT

Background

The Special Committee on Child Abuse has been working since 1981 to develop a comprehensive response to child sexual abuse in Metropolitan Toronto. Every program undertaken has been designed to encourage a continuum of coordinated response to children as they move through the systems which, by virtue of their mandates, are necessarily involved following disclosure of sexual abuse. Similarly, each program also aims to meet both immediate and long-term needs by providing assistance to existing victims while also stimulating the development of increased expertise and resources.

Significant progress has been made in the areas of early detection, reporting, investigation and crisis management. Beyond this stage, however, children are not yet assured of consistent support despite the best efforts of many. The absence of such support presents a particularly critical problem for children who face the prospect of testifying in court against their offenders.

In 1985, based upon issues identified through the implementation of the Child Sexual Abuse Protocol (1983) and in anticipation of increasing numbers of children facing legal proceedings, the Special Committee submitted a proposal to the Department of Justice Canada for a model support program for child victim-witnesses. A two-year demonstration project was subsequently approved by the Minister of Justice for commencement in April 1987.

In addition, with the proclamation of amendments to the Criminal Code and Canada Evidence Act in January 1988, legal barriers which have historically denied children access to the criminal justice system may be reduced. The Child Victim-Witness Support Project will help to ensure that more children and their adult supporters are prepared and ready to take full advantage of the opportunities provided by the new legislation.

Project Objectives and Description

The Child Victim-Witness Support Project was designed to respond to three primary needs consistently identified over the past several years: the need to provide direct assistance to child victims of sexual abuse who may be called to testify in court; the need to increase the percentage of cases prosecuted; and, finally, the need to extend community and professional understanding of the role of the criminal justice system in responding to child sexual abuse.

These needs are being addressed during the two-year demonstration period through the provision of three parallel groups: one for children aged eight to twelve; a second for children aged thirteen to sixteen; and a third for adults who will be providing support to children, e.g. non-offending parents, child protection workers, counsellors, volunteers, etc.

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443 Mount Pleasant Road, Second Floor, Toronto, Ontario, Canada M4S 2L8 Tel (416) 440-0888

The three groups run simultaneously in four-week series on alternate months and focus upon provision of information and support regarding the child's experience as a witness. Technical preparation of the child to testify remains the responsibility of the crown attorney. Child victims of both intra and extra-familial abuse are accepted and if, for some reason, group support is not feasible, every effort is made to provide individual support and/or referral elsewhere.

Referrals are accepted from the Police Force and the three child protection agencies in Metropolitan Toronto. Coordination with both crown attorneys and treatment providers is emphasized.

The project, which has a capacity to serve at least 200 children in its two-year demonstration period, will be independently evaluated and results made available to anyone working with children as witnesses. In addition, parallel research is planned to track the actual experiences of children as they move through the criminal justice system.

Project Management

The Child Victim-Witness Support Project is staffed by a project coordinator, part-time secretary and three part-time group leaders. Group leaders have been chosen based on their knowledge of child sexual abuse, the criminal justice system and their ability to work with groups. Project development, implementation and evaluation is supported by a multi-disciplinary Advisory Committee, chaired by the Special Committee's Executive Director, Lorna Grant. Members of the Advisory Committee are Jerry Wiley and Christine McGoey (Ministry of the Attorney General), Gladys Jolly and Edna Clark (Metropolitan Toronto Police), Ron Smith (Metro Children's Aid Society), Nyron Sookraj (Catholic Children's Aid Society), Sam Reiss (Jewish Family and Child Service), Susan Himel (Office of the Official Guardian) and Carolina Giliberti (Department of Justice).

Referral and Information

The group series is provided every other month and began in September 1987. Referrals may be made immediately after a date is set for criminal court proceedings. Early referral is encouraged and consultation between the police/child protection investigative team prior to referral is recommended.

For further information or referral, please contact Myra Lefkowitz, Coordinator, Child Victim-Witness Support Project, at 440-0888.

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The Special Committee wishes to thank the Department of Justice Canada for its financial support of this project and all those who supported its development over the past several years.

October 1987

THE METROPOLITAN TORONTO SPECIAL COMMITTEE ON CHILD ABUSE

CHILD VICTIM-WITNESS SUPPORT PROJECT

Adult Group
Series Outline
March 10, 17, 24, 31, 1988
6:30-8:00 p.m.

Session 1
- Introductions
- Aim of group series
- Our concerns, questions and fears
- "From the child's point of view"

Session 2
- Check-in: issues arising from/since last week
- The court process: sequence, timing of proceedings
- Cross-examination
- Preparing for the court visit

Session 3
- The court visit - Old City Hall
- Structure of courtroom
- Positioning of courtroom players
- Opportunity for role-playing (children only)
- Question and answer period with crown attorney

Session 4
- Check-in and follow-up to court visit
- How do I find support while I support my child?
- Problem-solving present and future problems
- Evaluation

Other topics I want to discuss:

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Mar. 88

CHILD VICTIM-WITNESS SUPPORT PROJECT

Adolescent Group
Series Outline
March 10, 17, 24, 31, 1988
6:30-8:00 p.m.

Session 1
- Introductions
- Aim of this group
- Fears, concerns and questions
- Who's who in the courtroom

Session 2
- Check-in
- Meeting of crown attorney
- The trial: how long will it take/who will be there?
- Cross-examination
- Telling the truth
- Preparing for the court visit

Session 3
- The court visit - Old City Hall
- What does a courtroom look like?
- Who sits where?
- Role-plays/sitting in the witness stand
- Question and answer period with crown attorney

Session 4
- Check-in and follow-up to court visit
- The judge's decision: how is it made?
- What happens after court?
- Identifying people I trust
- Wrap-up and planning for the future

Other topics I want to discuss:

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APPENDIX D

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